

Novel Scientific Evidence and the Juror

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Novel Scientific Evidence and the Juror:
A Social Psychological Approach to the
Frye-Relevancy Controversy

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By

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Abstract

The research investigated some potential limitations on the ability of jurors to reach fair and impartial decisions in a case involving novel scientific evidence. It was hypothesized that preexisting juror biases would adversely affect juror decisions, as would the expert testimony offered, whether reliable or unreliable (because jurors would give it undue weight when it supported their preexisting biases). These two variables were tested in a 2 x 2 factorial design. The effects of two other variables - need for cognition and locus of control, were also tested.

A mock jury methodology was employed in which 64 subjects heard testimony in a case involving allegations of brainwashing by religious cults. Jurors then responded to attitude assessment instruments, deliberated, and reached individual verdicts, and once again responded to attitude assessment instruments.

In accordance with predictions, jurors with stronger attitude schemas (preexisting biases) exhibited significantly stronger pro-plaintiff attitudes on pre and post-deliberation attitude measures. Two other independent variables, expert testimony and juror locus of control, were also found to be significantly related to some of dependent measures. Only one independent variable, juror need for cognition, was significantly related to actual verdicts however; jurors who were high in need for cognition tended to find for the defendant, and those low in need for cognition tended to find for the plaintiff. The research has implications for the Frye-relevancy controversy, which involves whether to allow as evidence expert testimony that has not achieved general acceptance within a specifically relevant field.

The findings support the hypothesis that jurors who are low in motivation are not as likely as others to scrutinize the issue-relevant arguments in such cases, and are more likely to be guided by their initial biases. They also support the contention of those who support the Frye doctrine for the admissibility of novel scientific evidence that unreliable expert testimony might unduly influence jurors and therefore should be disallowed.

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CHAPTER ONE

The Frye-relevancy controversy

There is a rapidly growing body of social science research that addresses issues of interest to the judicial system, as well as to social psychology (Saks & Hastie, 1978; Monahan & Walker, 1985). Research in the area of psychology and law has addressed a broad range of topics, including the impact of juror and witness characteristics on jury decision making, analysis of the deliberation process, scientific jury selection, the effects of jury size, eyewitness credibility, effective trial strategy, death qualification of jurors, and jury composition.

Nevertheless, there are a number of areas in which social psychology could provide valuable insight to the legal profession but has not yet done so. One such area involves problems associated with the conditions governing admissibility of "novel" scientific evidence in court. This is often referred to as the Frye-relevancy controversy. Simply put, the Frye Doctrine (Frye v. United States, 293 F 1013, D.C. Cir. 1923) says that to be admissible, expert testimony about scientific issues must be based upon a generally accepted scientific principle. The relevancy approach, embodied in Federal Rule of Evidence 702, on the other hand, does not make general acceptance of the scientific principle or theory a pre-condition of admissibility.

For years in America most courts have been governed by the Frye doctrine, derived from Frye v. United States 293 F 1013 (D.C. Cir. 1923), which involved the admissibility of lie detection evidence in a murder trial. The court excluded the evidence, saying (Frye v. United States, p.1014):

Just when a scientific principle or discovery crosses the line between the experimental and demonstrable stages is difficult to define. Somewhere in this twilight zone the evidential force of the principle must be recognized, and while courts will go a long way in admitting expert testimony deduced from a well organized scientific principle or discovery, the thing from which the deduction is made must be sufficiently established to have gained general acceptance in the particular field in which it belongs.

The concern of most courts and the basis of the Frye doctrine has been that novel scientific evidence not based on a generally acceptable theory in the discipline would overly influence jurors. There has been a fear that such evidence would be granted too much weight because a scientist was offering it.

Nevertheless, a countervailing theory, the relevancy approach, has developed within the Federal Court system and in some state courts as well. The relevancy approach is based on Federal Rule of Evidence 702:

If scientific, technical or other specialized knowledge will assist the trier of fact to understand the evidence or to determine the fact in issue, a witness qualified as an expert by knowledge, skill, experience, training or education may testify in the form of an opinion or otherwise.

In effect, the relevancy approach allows any relevant scientific testimony to be introduced, even if that testimony is based on a theory or methodology that has not obtained general acceptance in the field of study. Those espousing this view have confidence (not supported empirically) that jurors can discern faulty expert testimony, particularly within the adversarial U.S. legal system in which opposing lawyers, through cross-examination, the presentation of opposing expert testimony, and other methods are expected to undercut questionable expert testimony.

It is questionable whether all jurors can discern faulty expert testimony, however, as many may not have the requisite knowledge, motivation, or objectivity to do so. The issue was well illustrated in a 1983 Supreme Court case, *Barefoot v. Estelle* (463 U.S. 880, 1983), which involved an appeal of a death sentence by a man convicted of killing a police officer. The appeal

argued that psychiatric testimony about his future dangerousness had been improperly admitted. The Supreme Court upheld the admission of that evidence by the lower court, with the majority stating that it was "not persuaded that such testimony is almost entirely unreliable and that the fact finder and the adversary system will not be competent to uncover, recognize, and take due account of its shortcomings." (*Barefoot v. Estelle*, p.899)

The dissent argued that the evidence should not have been admitted, saying in part:

Indeed, unreliable scientific evidence is widely acknowledged to be prejudicial. The reasons for this are manifest. The major danger of scientific evidence is its potential to mislead the jury; an aura of scientific infallibility may shroud the evidence and thus lead the jury to accept it without critical scrutiny. (*Barefoot v. Estelle*, p.926)

The controversy over which rule of evidence to apply is accelerating in the legal field, as novel areas of scientific inquiry proliferate. But the controversy is, or should be, of interest to social psychology as well because resolution of the controversy may hinge on a better understanding of phenomena that social psychology has investigated for decades. While these phenomena have typically been studied in non-jury trial settings, it is obvious that the trial setting, an arena in which attempts at persuasion often dominate the proceedings, is an important context in which to study them as well. These phenomena include the ways in which jurors process new information within the trial context, the effects of bias, misinformation, motivation, and ability among jurors, and the effects of the prestige of the expert offering testimony.

A better understanding of the process of persuasion in jurors, especially with respect to novel scientific evidence, will help resolve the Frye-relevancy controversy, and also offer assistance in assessing the validity of the controversial Faust and Ziskin (1988) position that all clinical psychological and psychiatric testimony should be banned from the courtroom.

Faust and Ziskin argue that clinicians probably do not meet the legal standards for expertise; studies have demonstrated that psychologists and psychiatrists often reach unreliable or invalid conclusions, and their judgments may be no better than those of laypersons. They summarize the potential problems nicely, saying:
The expert, misled by subjective self-appraisal and illusory beliefs, and unshaken by massive negative scientific evidence, attempts to persuade jurors to share the same misplaced faith in false markers. The expert's persuasive effort may well succeed because it aligns so closely with common belief (Faust and Ziskin, 1988, p. 34).

Research that directly tests the assumptions underlying support for the Frye or relevancy approaches is scarce. While there have been a number of theoretical discussions of the major issues involved, particularly from the viewpoint of legal scholars (Imwinkelreid, 1982/83; Gianelli, 1983; Thomas, 1983), or of social psychologists working in the legal arena (Saks & Baron, 1980; Saks & Van Duizand, 1983) none present findings of empirical studies designed to help resolve the controversy.

The only theoretical treatment to date of the Frye-relevancy controversy, which attempts to use research findings to help resolve the issue is Egesdal (1986). Egesdal provides a valuable analysis of some of the problems associated with jurors' evaluation of novel scientific evidence, as he reviews relevant research and attempts to resolve contradictory findings. As will be shown, however, his analysis ignores certain important considerations.

The arguments by supporters of either the Frye doctrine or the relevancy approach can be summarized as follows, according to Egesdal's analysis (Egesdal 1986, p. 1772):

Relevancy Approach: The adversary process allows jurors to evaluate novel scientific evidence in a manner substantially similar to other evidence.

Frye doctrine: The nature of novel scientific evidence prevents jurors from evaluating it in a manner substantially similar to other evidence because jurors are in awe of scientific testimony and tend to overestimate its probative value.

Egesdal suggests that the opposing assumptions underlying the Frye doctrine and the relevancy approach can best be evaluated using Rosenthal's (1983) distinction between the message and the paramessage components of persuasive communication. "Message" refers to "the actual words verbalized by the expert during his or her testimony" (Egesdal, 1986, p. 1771). The "paramessage", on the other hand:
... encompasses all elements not part of the actual or literal testimony. (It) includes physical gestures made during the testimony, the experience and background of the witness, and general reputation or prestige.

Egesdal argues that those espousing the Frye doctrine are primarily preoccupied with the effects of the prestige of the expert, or the paramessage elements, while those promoting the relevancy approach are most concerned with the message elements.

The empirical underpinnings of this analysis are weak, however. Only a small amount of research has dealt directly with the problems associated with the evaluation of novel scientific evidence by jurors, and as Egesdal (1986) points out, that research has resulted in contradictory findings. He cites two studies, Forkosch (1939) and Koeffler (1957), which appear to show that the "paramessage" component of polygraph evidence tends to predominate, with the result that the evidence is given undue weight. However, five later studies are then cited by Egesdal, which seem to show that jurors were not overwhelmed by novel scientific evidence (polygraph evidence was also used in all five later studies: Barnett, 1973; Stephan and Saks, in Saks and Wissler, 1985; Carlson, Passano and Jannuzo, 1977; Markwart and Lynch, 1979; and Cavoukian and Heselgrave, 1980).

Egesdal (1986) attempted to explain the contradictions by referring to a study conducted by Rosenthal (1983), which concluded that jurors will sometimes accept novel scientific testimony even though they do not understand it. In the case Rosenthal describes (which concerned admissibility of voice-print analysis), jurors had reported accepting the testimony of one expert witness who they thought looked like a "real scientist" rather than that of other experts whom they characterized as looking like "hippies". Rosenthal concluded that the jurors had relied more on paramessage elements because they did not understand the technical content or message aspects of the testimony.

Rosenthal's findings were extended by Egesdal to explain the contradictory findings from the earlier polygraph research. He suggested that the early polygraph studies were done at a time when there was little understanding of the polygraph technique, causing subjects to rely more on the paramessage elements of testimony. The later studies, which occurred after decades of discussion in the media about polygraph evidence, used jurors who were better informed. Thus, they did not rely as strongly on the expert testimony, including the paramessage elements of that testimony.

Egesdal (1986, p. 1783) commented on the results of Rosenthal's study as follows:

(T)he Rosenthal study does not necessarily confirm the Frye doctrine's primary assumption. Nothing inherent in novel scientific evidence presents a danger of undue prejudice. Instead, the danger arises in the jurors' inability to understand the evidence, which is a problem with the message, not the paramessage. Accordingly, the paramessage becomes a concern only when there is a problem with the message or, more specifically, when the court fails to properly safeguard against problems jurors may have in understanding the message. Problems in understanding do not come from the source, but from the complex content of the message.

There are several problems with Egesdal's analysis, however. Of particular concern is his conclusion that social science research has demonstrated that major problems associated with the relevancy approach can be overcome and that "the relevancy approach may provide the best course of regulating the admission of novel scientific evidence, if the adversary system continues to encourage a greater fact finding role for the jury." (Egesdal, 1986, p. 1771). As will be demonstrated, there is good reason to believe this is not the case, especially in areas outside the physical sciences. In such areas the issue is often not solely one of complexity: it also involves juror motivation, bias and misinformation.

Egesdal went on to point out that his conclusion was supported by research on communication and persuasion, especially some of the earlier work of Petty and Cacioppo (Petty & Cacioppo, 1981), which demonstrated that jurors tend to rely on paramessage elements of a persuasive communication when they are not motivated or able to scrutinize the message elements. In this he was correct, but he did not delve deeply enough into the model of persuasion developed by Petty and Cacioppo, and thus he ignored several important considerations. Surprisingly, while he did refer to the role played by recipient characteristics such as high involvement and prior knowledge (which Cacioppo and Petty had identified as important variables), Egesdal apparently did not view recipient characteristics generally as problematic. But recipient characteristics, especially the extent to which recipients are motivated and able to process new information in an unbiased manner, arguably can be quite problematic. Understanding the role played by recipient characteristics in processing novel scientific evidence is a major concern of the present research.

The Elaboration Likelihood Model of Persuasion

When jurors are faced with novel scientific testimony, it is generally presented in the context of a persuasive appeal. Thus, in order to understand the impact of such testimony, it is necessary to have a thorough understanding of the persuasion process.

A tremendous amount of research has been conducted in the past four decades as social psychologists have attempted to understand the process of persuasion. By the late 1970's, however, the field had not produced anything like a unified theory of persuasion that could account for the broad array of findings generated by the decades of work on persuasion (McGuire, 1969; McGuire, 1985). McGuire's (1969) review, for example, categorized persuasion theories into four major areas: learning theory, perception theory, consistency theory, and functional theory. He also presented a general framework for discussing the persuasion process; this he referred to as the "matrix of persuasive communication". The framework was based on Lasswell's (1948) analysis of who says what to whom, in what way, and with what effect. In other words, it focuses on the characteristics of the source, message, channel, and receiver. As McGuire points out, however, it is difficult to account for the accumulated contradictory findings of research on characteristics of the source, message, channel, and recipient as they relate to persuasion. Clearly no way had been devised to explain why many of the effects found for these variables changed under differing circumstances.

In an attempt to account for the diverse theories and findings in the persuasion literature, Petty and Cacioppo (1981) outlined a general framework for the attitude change process. They proceeded to conduct a systematic program of research, and further developed their model of persuasion over the next several years. Much of that research is summarized in their 1986 book (Petty & Cacioppo, 1986), which thoroughly details their model that they came to call the Elaboration Likelihood Model of persuasion, or ELM.

Central to the ELM is the concept of an "elaboration continuum" which represents the varying likelihood that an individual will actually evaluate the issue-relevant arguments of a persuasive message as the individual's ability or motivation to do so varies. Elaboration likelihood is postulated to be high when as a result of individual or situational factors a person is motivated

and able to carefully consider issue-relevant arguments and it is low when either ability or motivation are lacking.

Petty and Cacioppo (1981, 1986) point out that the elaboration continuum is a useful way of organizing many of the existing theories of attitude change. Some theories, such as cognitive response theory (Greenwald, 1968; Petty, Ostrom & Brock, 1981), deal with situations in which people carefully attend to issue-relevant arguments, and these can be placed at the high end of the elaboration continuum. Other theories are more concerned with what occurs when people use non issue-relevant information, or peripheral phenomena, and these can be placed at the low end of the elaboration continuum. Such peripheral phenomena can include observations of one's own behavior, as in self-perception theory (Bem, 1972), or a person's perception of the likeability or credibility of the source, as in Chaiken and Eagly's heuristic model of persuasion (Chaiken, 1980, 1986; Eagly & Chaiken, 1984).

The ELM is a comprehensive model of persuasion that postulates two distinct routes to persuasion. The first route, which Petty and Cacioppo refer to as the central route, is utilized when the recipient is motivated and able to elaborate upon and process the issue relevant arguments. The other route, termed the peripheral route, is taken when as a result of low ability and/or motivation, the message recipient uses peripheral cues as a basis for evaluating the message. Processing via either route may be done in either a relatively objective or relatively biased manner, depending on the nature and extent of the person's organized structure of knowledge about the topic of the message.

Petty and Cacioppo and their associates have identified a number of factors that affect which pathway will be taken, and a number of others that determine whether processing will be relatively objective or biased. Likewise, several consequences of processing via either the central or peripheral path have been identified, as have the consequences of processing in either an objective or biased manner (Petty & Cacioppo, 1986). While Petty and Cacioppo have dealt with the application of their model to several areas, including psychotherapy and counseling (Cacioppo, Petty & Staltenberg, 1985; Petty, Cacioppo & Heesacker, 1984) and mass media advertising (Cacioppo & Petty, 1985; Petty & Cacioppo, 1983a, 1984b; Petty, Cacioppo & Schumann, 1984) neither they nor anyone else have applied it systematically to persuasion in the context of the courtroom.

The present research will continue the line of investigation suggested by Egesdal (1986), and will use the ELM as a theoretical basis for studying some of the problems associated with the use of novel scientific evidence in jury trials. As this research is based on an extension of the ELM model, three components of the model that will be used as independent variables in this research (preexisting attitude schemas, need for cognition, and prestige of the witness presenting the information) are discussed next. A fourth independent variable, locus of control, is then considered, although it is not associated with the ELM model.

Pre-existing attitude schemas

The first variable of concern in this study is one that involves an individual's attitudes toward and knowledge about a given topic, and which may be an indicator of biased processing in that person. While several variables have been shown to affect a person's ability to elaborate objectively on a persuasive communication, one variable in particular has been shown to affect the extent to which biased elaboration occurs. That variable is the extent of the person's organized structure of knowledge, or preexisting attitude schema (Cacioppo, Petty, & Sidera, 1982; Wood, 1982; Lord, Ross and Lepper, 1979) concerning the topic of the persuasive communication.

Consistent with the ELM's predictions about biased processing generally, it is expected that jurors with well-developed knowledge structures concerning a topic (such as the use of "brainwashing" or "coercive persuasion" by cults) will engage in biased rather than objective

processing of the arguments presented. As research on schematic processing has shown, knowledge structures generally develop in a way that favors one position or another (Fiske and Taylor, 1984) and tend to bias processing by giving the person a way to bolster pro-attitudinal messages cognitively.

In a study that supports this view, Cacioppo, Petty and Sidera (1982) showed that individuals having existing self-schemas relevant to pro-attitudinal messages rated the messages as more persuasive than did those without relevant self-schemas. They also were more likely to bolster a pro-attitudinal message that was schema-consistent than one that wasn't, as measured by the increased number of thoughts they generated (in a subsequent thought-listing procedure) in response to the schema-consistent message. The study by Wood (1982) demonstrated conversely that subjects with preexisting attitudes were more likely to counterargue a counter-attitudinal message, and that they changed their attitudes less in the direction of the message.

While Cacioppo, Petty and Sidera (1982) and Wood (1982) were concerned with one-sided persuasive messages, Lord, Ross, and Lepper (1979) studied the effects of preexisting attitude schemas on processing two-sided arguments, and thus their findings are particularly relevant. In their study, subjects with preexisting schemas either for or against capital punishment read what they believed to be two research reports. One of the reports opposed capital punishment and one supported it. Both groups of subjects (those with pro and anti-capital punishment attitudes) gave higher ratings to the research that supported their position, saying that it was both more convincing and better conducted. In addition, there was an attitude polarization effect, with subjects demonstrating either stronger opposition or stronger support for capital punishment, consistent with their initial position, after being exposed to both research reports.

Clearly, then, pre-existing attitudes can affect the processing of new information. If the predictions of this research are supported, and jurors with pre-existing biases concerning the use of brainwashing techniques by cults do in fact tend to use the novel scientific testimony about brainwashing to bolster their initial position, then there will be reason to question the wisdom of rejecting the Frye doctrine in favor of the relevancy approach.

Motivation to elaborate upon issue-relevant arguments

The second variable of concern in this study is one that has been shown to affect people's motivation to attend to issue-relevant arguments. The ELM postulates that in order for persuasion to occur via the central rather than the peripheral path, message recipients must not only be able to elaborate on the issue relevant arguments of a persuasive communication, but they must also be motivated to do so. Among the factors that have been shown to affect the motivation to elaborate objectively are the degree of personal relevance of the communication (Petty and Cacioppo, 1979b), personal responsibility for the decision (Petty, Harkins, and Williams, 1980), the number of message sources (Harkins and Petty, 1981a), and the recipient's need for cognition (Cacioppo & Petty, 1982; Cacioppo, Petty & Morris, 1983). In light of the concern in the proposed research that individual characteristics of jurors might affect their motivation to process novel scientific testimony, research on the effects of a person's tendency to enjoy thinking, referred to as need for cognition, is particularly salient.

The Need for Cognition Scale (NCS) was developed and validated by Cacioppo and Petty and their associates (Cacioppo & Petty, 1982; Cacioppo, Petty & Morris, 1983; Cacioppo, Petty & Kao, 1984) as a means of measuring the extent to which individuals tend to engage in and enjoy effortful cognitive activities. Their work grew out of Cohen's (Cohen, 1957; Cohen, Stotland & Wolf, 1955) earlier conceptualization of need for cognition, which viewed people as differing in their need to experience an integrated, meaningful world.

Cacioppo & Petty (1982) viewed need for cognition as an individual difference variable that would be associated with a person's likelihood of elaborating upon issue-relevant arguments in a persuasive message. The original 34 item Need for Cognition scale was derived from a pool

of items that had been administered to university faculty members and assembly line workers, two groups expected to differ in their need for cognition. Cacioppo & Petty (1982) demonstrated that need for cognition was unrelated to social desirability, as measured on the Marlowe-Crown Social Desirability Scale, that it was positively correlated with intelligence, and weakly and negatively correlated with being closeminded. Finally, they demonstrated that subjects who were high in need for cognition preferred complex to simple tasks, while low need for cognition subjects preferred simple tasks.

A shorter, 18 item version of the NCS was developed and tested by Cacioppo, Petty & Kao (1984). That version (see Appendix B) was found to be comparable to the longer version in reliability.

The Need for Cognition Scale has been validated in a number of studies. Olson, Camp & Fuller (1984) found no significant relationship between the NCS and social desirability (measured on the Marlowe-Crown Scale), but found it positively correlated with eight measures of curiosity. Cacioppo, Petty & Morris (1983) demonstrated that high and low need for cognition subjects differed in their tendency to elaborate upon message arguments. When presented with either strong or weak arguments supporting a position, high need for cognition (HNC) subjects reported expending more cognitive effort, recalled more message arguments, and were more affected by argument quality than were the low need for cognition (LNC) subjects.

A study by Srull, Lichtenstein & Rothbart (1985) was particularly relevant as it demonstrated that HNC subjects tend to elaborate more upon new, task relevant information than do LNCs. In that study, recall of items in an impression formation task was greater among HNCs than among LNCs. This was particularly so for incongruent items, less so for congruent items, and there was no difference in recall of irrelevant items.

The use of need for cognition as a need variable affecting the way jurors might process new information is also supported by Petty, Cacioppo & Kasmer (1985), which showed that HNC subjects generated high numbers of ideas under both group and individual conditions, while LNCs generated relatively fewer ideas in group than in individual conditions. While an individual's need for cognition is just one of many variables that might affect the person's motivation to process information, the research conducted to date seems to indicate that people who engage in and enjoy effortful cognitive activity do so under a wide range of conditions. The present research will test the prediction that those people who are high in need for cognition will, when taking the role of juror, be more likely to scrutinize issue-relevant arguments that are presented, and thus will more likely be persuaded by the side presenting the higher quality arguments.

One factor might lessen the effect of the need for cognition variable in this study, however. Because an individual's need for cognition may be situationally variable, it is possible that people who are typically low in need for cognition might be more strongly motivated to engage in effortful cognitive activity when they are in a situation that exerts strong social pressures on them to do so. Taking the role of juror may be one such situation. If the situational demands are strong enough to motivate even low need for cognition jurors to attend to issue-relevant arguments, and no effect is found for this variable, then the position of those supporting the relevancy approach to the admissibility of novel scientific evidence will be strengthened. If, however, the prediction of this study is supported and low need for cognition jurors do not attend to the issue-relevant arguments, but rather allow their decision to be guided by their existing biases or by peripheral cues, then the position of those espousing the Frye Doctrine will be supported.

Prestige of the expert witnesses

The third independent variable to be considered in this research is one characterized by Petty & Cacioppo as a peripheral cue. Peripheral cues are important because jurors in the courtroom are subjected to many powerful stimuli, often manipulated skillfully by lawyers seeking

to persuade them of the correctness of their side's position. Among the cues that have been shown to influence persuasion via the peripheral route in a relatively objective manner are: source expertise (Hovland, Janis, and Kelley, 1953; Petty, Cacioppo, and Goldman, 1981), source likeability (Petty, Cacioppo and Schumann, 1983), number of message arguments (Petty & Cacioppo, 1984a), false physiological feedback (Taylor, 1975) and pleasant music (Gorn, 1982). Of these variables, source expertise is of the greatest interest to the present research, because a central concern of the Frye-relevancy controversy is the possibly overwhelming impact of the prestige of the expert presenting the novel scientific testimony, especially when that testimony is heard by jurors who are biased, or who are unmotivated or unable to attend to the actual arguments presented. The source expertise variable is also relevant to Faust and Ziskin's position that all psychological experts should be disallowed.

A number of studies have demonstrated the role played by source expertise in influencing attitudes when the likelihood of elaborating upon issue-relevant arguments is low. Petty, Cacioppo & Goldman (1981), for example, demonstrated that subjects who heard a persuasive communication of high relevance to themselves (and who were thus motivated to process the issue related arguments) were less likely to be influenced by the expertise of the source than were subjects who heard a communication of low relevance to themselves (and thus were less motivated to elaborate). Other studies by Petty, Cacioppo and Schumann (1983), and Huddleston (1985) lend support to those findings.

In the present research, source expertise was studied not by manipulating the level of expertise of the expert witnesses in a trial, but rather by investigating the effects of the presence or absence of the expert testimony of two opposing psychologists. There is no question that an understanding of the effects of varying degrees of expertise is necessary in order to understand fully how jurors react to novel scientific evidence presented by expert witnesses. But the present research is admittedly exploratory in nature; its limited scope does not permit the study of all of the necessary variables and conditions. Therefore, it seems appropriate to look first at a situation that occurs quite frequently in the courtroom when novel scientific evidence is an issue. In such cases, there may be testimony by two (or more) opposing experts of high prestige, or such testimony may be disallowed. This will permit an investigation of the effects of such testimony on jurors, by comparing their responses to those of jurors who have heard a similar case presentation that does not include the expert testimony.

Limitations of the ELM

While the ELM is an important contribution to the study of persuasive processes, research based on the model has not been concerned with resolving the Frye/Relevancy controversy. There are at least five areas in which the research conducted so far is inadequate to the task of studying juror decision-making:

First, Petty and Cacioppo only briefly investigate the processing of one-sided arguments, while jurors must generally process two-sided arguments.

Second, their research is constrained by an experimental methodology that may not account for some of the factors that affect jurors as they fulfill their roles as triers of fact in court. The situations and goals of their experimental subjects have been very different from those of jurors, who may believe they are playing a significant role in the legal system, and who may view themselves as having considerable responsibility to protect and support society and its values. This increased saliency could well affect experimental subjects and results in ways not generally encountered in studies involving other methodologies.

Third, Petty and Cacioppo's concern was with persuasive arguments generally and not with expert testimony about novel scientific evidence specifically. Whether their model is or is not valid in the instance of novel scientific testimony offered in a legal context needs to be demonstrated empirically.

Fourth, no studies to date have examined the potential interactions between juror bias, level of motivation, and testimony about novel scientific ideas.

Fifth, one dependent measure of great interest in the study of juror decision-making, the individual verdict, is not assessed by Petty and Cacioppo. The individual verdict, as an indicator of attitude-behavior consistency, should be included along with other measures of attitude change.

Locus of Control

A fourth independent variable, locus of control, was included in this study because of its relevance to the specific issues of the cult brainwashing case which was the focus of the mock jury research. Given the thrust of the defendant's case used for this research - that members join of their own free will - and the plaintiff's allegations that his free will was diminished by the actions of the defendant church, locus of control seemed important to include in the research design.

Rotter (1966) presented a seminal discussion of what has become a major area of study in psychology, with literally hundreds of studies examining the effects of using locus of control. Rotter maintains that people develop, depending on their life experiences, either an internal or external locus of control. Internals believe that one's fate is determined by one's own behavior, while externals believe that what happens is largely determined by luck or powerful external persons or forces. Currently, it does not appear that this variable has much effect on juror verdicts, at least in certain types of cases. Locus of control as measured by Rotter's I-E scale (and variations) has been found to be related to a number of other variables, but has not been a variable of pervasive explanatory power in studies in the psychology of law (Kassin and Wrightsman, 1988). Nevertheless, the facts of this particular case seem likely to be perceived differently by individuals who differ in their locus of control.

Alleged use of brainwashing by cults: A problematic area of novel scientific testimony

The Frye standard has been applied in a great many areas, including polygraph evidence, spectroscopic analysis, voiceprints, neutron activation analysis, bitemark comparisons, psycholinguistics, rape trauma syndrome, hypnotically refreshed testimony, and other areas (Giannelli, 1983). Overall, courts appear to have been more inclined to hold evidence in the hard sciences to the Frye standard than they have for evidence regarding the "soft sciences", including social psychology and psychiatry. The prevalent attitude in the courts, which assumes that jurors can adequately assess the validity of novel scientific testimony when it involves the social sciences, obviously invites lawyers to misuse expert testimony to convince jurors of the validity of psychological theories that are not generally accepted.

One area that is especially problematic involves allegations of "brainwashing" by religious cults. The use of brainwashing as a legal concept began with the Patty Hearst trial in 1976. Efforts to use a "brainwashing" defense were rebuffed by the court (Fort, 1985), but the idea was given great impetus because of publicity surrounding that famous trial. As Fort stated, use of the term brainwashing has become prevalent in certain areas, notably with reference to new religion groups, sometimes referred to as "cults". Even though the term has little scientific support and is often used as a "social weapon" against unpopular groups (Robbins and Anthony, 1982; Anthony, 1989, Kilbourne and Richardson, 1984; Richardson, 1985), the concept has gained some redence in the legal arena. Some former members who were once a part of a new religion or cult have claimed they were brainwashed into joining and have sued, asking for large monetary damages. A number of such cases have resulted in multi-million dollar awards and at least one appeal has gone to the U.S. Supreme Court, and another such case will be appealed this year (Richardson, 1991). The specific causes of action in such cases have usually been false imprisonment or intentional infliction of emotional distress, but the underlying theory has been that the former member was brainwashed and under "mind control".

Richardson (1989), James (1966), and Anthony (1984) point out that brainwashing as used in cult cases is not a widely accepted scientific concept within the fields of psychology and sociology. The term was developed by a journalist writing about the Communist takeover in China (Hunter, 1958) and was adopted by a few scholars and other journalists as an ideologically-based explanatory device. As noted by the most prominent scholars studying Communist resocialization techniques, the term only has meaning in situations in which there is physical coercion, and even in those situations there was very little success in getting people to change their values (Lifton, 1963; Schein, 1958; Anthony, 1990). Notwithstanding such testimony, it is likely that the lay public, including jurors, may hold a strong belief that "brainwashing" as a psychological process is possible, and that it is practiced by cults in recruitment.

A survey of 383 registered voters conducted by DeWitt (1989) in Washoe County, Nevada (Reno) revealed that over three-quarters of those questioned said they believed in brainwashing. In response to the statement "A person can be brainwashed, even if they are not actually held captive against their will," nearly 78 percent said they agreed, while 21 percent disagreed. The widespread belief in the efficacy of brainwashing is not shared by mainstream psychology and is not supported by empirical research, however, and therein lies the source of potential problems when expert testimony about brainwashing is presented to juries.

It is also likely that a significant segment of the jury-eligible population believes that so-called cults use brainwashing to recruit new members. As demonstrated by the responses to another question in DeWitt's survey, about 30 percent of those interviewed agreed with the statement "Brainwashing is required to make someone join a religious cult."

Richardson (1989; 1991) also noted that expert testimony using the brainwashing interpretation of cult recruiting seems quite influential with jurors. One expert witness who has testified in nearly forty such cases is a psychologist who has developed a novel theory of how the new religions recruit. This person claims that the cults use "second generation" brainwashing techniques that do not involve physical restraint or coercion, but instead substitute "mental coercion" (Schien, Schneier, & Barker, 1961) to an even greater effect than the physical coercion used in the Chinese or Korean POW situations (Anthony, 1990).

One reason for that expert witness's success may be the extent to which she is viewed by jurors as a true expert in the area. She is not only a psychologist testifying about coercive persuasion, a purportedly psychological process, but she also presents herself as an expert on the processes involved in recruiting members to groups. The fact that she neither conducts nor cites research (other than informal interviews and therapy sessions) that substantiates her claims is lost on jurors, however.

This novel theory of coercive persuasion has virtually no support among scholars who have studied recruitment to the new religions, and is definitely not generally accepted within either social psychology or the sociology of religion, the two fields of study most relevant to the issue. Thus, the theory of coercive persuasion does not meet the Frye test of admissibility. The lack of acceptance has been documented in scholarly literature reviews (Kilbourne & Richardson, 1984; Richardson, 1985a,b; 1991) and in two amicus briefs filed in relevant cult brainwashing cases. However, in spite of the fact that brainwashing and coercive persuasion are not generally accepted in the relevant fields of study, jurors seem quick to respond positively to brainwashing interpretations of cult participation.

In addition, participation in and recruitment to new religions has been studied by a number of researchers around the country in recent years, and the resulting scholarly literature strongly supports the conclusion that participation is a voluntary, volitional act, and that affiliation with new religious groups is usually temporary, with most participants leaving on their own after a relatively short time in the group (see Richardson, 1985; Richardson, van der Lans and Dreks,

1985; Bird and Reimer, 1982; Galanter, 1989; Barker, 1984). Participation is usually easily explicable in terms of normal social psychological processes and does not require the use of magical techniques such as brainwashing, coercive persuasion, or mind control to explain why some people participate in the new groups (Solomon, 1983). Jurors in cases involving charges of brainwashing by new religions do not seem to accept this line of argument, however. Why this should be the case is not certain, and remains to be studied empirically.

Hypotheses and key issues

This research was designed to help resolve the Frye-relevancy controversy over the standards for the admissibility of novel scientific testimony in court. There is concern among proponents of the Frye doctrine that jurors may be overly influenced by expert testimony about novel scientific theories, even though those theories have not reached a level of general acceptance in their respective fields. Moreover, a good deal of research in the area of persuasion and attitude change indicates that these concerns may be well founded. There is empirical evidence that individuals who are not motivated or able to actually scrutinize the arguments presented by each side may tend to be more influenced by peripheral cues in the setting than by the quality of the arguments themselves. Likewise, some people when taking the role of juror may enter the courtroom with strong biases favoring the position of the side promoting the novel scientific theory, and thus be more likely to accept that position uncritically.

In order to investigate the effects of these seemingly problematic characteristics of jurors and witnesses, the present research used a mock jury methodology. Subjects acting as jurors heard and deliberated on a case in which the novel scientific testimony was important in reaching a verdict. In this way, the effects of the problematic variables could be studied in a context similar, though clearly not identical to, the real world situation that is the source of the original controversy.

The hypotheses of this research are derived in part from the basic assumptions of the ELM, which assumes that people process persuasive arguments along one of two paths, as described by Petty and Cacioppo (1986), and which further assumes that the consequences of processing via one path or another are predictable.

The research was also designed to answer some practical questions about the outcomes of cult brainwashing cases, which have for the most part resulted in verdicts against the religious groups accused of using coercive persuasion to recruit new members. The prevailing wisdom has held that anti cult bias among jurors and expert testimony by a prestigious psychologist to the effect that cults use coercive persuasion to deprive individuals of their ability to exercise their free will are the two factors most responsible for the pattern of verdicts. This research therefore investigates these ideas. It also investigates whether other factors might be contributing significantly to the outcomes and whether these cases can be won by the defendants.

Hypotheses

1. There will be a main effect for attitude schema. Jurors with initially strong attitude schemas regarding the use of brainwashing by cults will exhibit generally stronger pro-plaintiff attitudes after the presentation and after the deliberations than do those with initially weak or non-existent ones. They should also be more likely to render plaintiff verdicts on the two complaints used in this research (Intentional Infliction of Emotional Distress and False Imprisonment).
2. Given the rather pervasive bias against religious cults, and the general acceptance of the idea that brainwashing can bring about radical changes in personality and behavior in a relatively short time, most jurors should use the arguments of the plaintiff's expert to bolster their pre-existing biases. Thus, there should be a main effect for the presentation of expert testimony, with

jurors who hear the testimony of the two opposing experts being more likely to exhibit pro-plaintiff attitudes on the pre and post-deliberation attitude measures, and to tend to find for the plaintiff on their actual verdicts.

3. There will be a relationship between the dependent measures and level of motivation to scrutinize issue-relevant arguments, with Need for Cognition being used to operationalize level of motivation. In the attitude assessments conducted after the presentation of case materials and again after deliberations, low Need for Cognition jurors should exhibit attitudes more strongly favoring the plaintiff's argument that the cult used brainwashing and coercive persuasion to recruit him if they initially had strong attitude schemas, and should do so to a lesser extent if their initial attitude schemas were weaker. On the other hand, those who are high in need for cognition, if relatively unbiased, will generally reject that argument, as would be expected, given that they are more likely to scrutinize the issue-relevant arguments which include testimony by the defendant's expert to the effect that brainwashing and coercive persuasion has not been empirically demonstrated and is not generally accepted in psychology. High need for cognition jurors should also be more likely to find in favor of the defendant when rendering their actual verdicts.

However, because jurors high in need for cognition are more likely to scrutinize issue-relevant arguments, those with strong pre-existing biases should use the issue-relevant plaintiff's arguments to bolster their position, and thus should exhibit stronger pro-plaintiff attitudes than do weakly biased jurors high in need for cognition. Further, this effect should be seen even more strongly among jurors who are also exposed to the expert testimony. Thus, jurors who are high in need for cognition, highly biased, and who are exposed to expert testimony should be most likely to find for the plaintiff; jurors high in need for cognition, with weak attitude structure and not exposed to the experts should be least plaintiff oriented.

4. Locus of control should be related to the pre- and post-deliberation attitude measures and to final verdicts of jurors. Those having lower scores on the IE scale (internals) presumably will be less likely to believe that powerful others can strongly affect behavior, and thus should be more likely to favor the defendant's position. Those with higher scores (externals), are likely to experience the world as a place where powerful others influence behavior, and thus are more likely to favor the plaintiff's position in this case.

CHAPTER TWO

Methods

The research utilized a mock jury research methodology, in which mock jurors were presented with testimony concerning a civil case involving allegations made by a former member of a new religion or cult that brainwashing had been used by the cult to recruit him as a member. They were then asked to respond to attitude assessment instruments and to deliberate to a verdict. The deliberations were videotaped for future analysis.

Experimental Design

The study utilized a 2x2 factorial design with pre-existing juror bias (strong bias/weak bias) and expert testimony (expert testimony/no expert testimony) as independent variables. Locus of control and need for cognition were also included as independent variables.

Dependent variables

There were six dependent measures. Two were designed to assess the likelihood that each juror would find for the plaintiff or defendant on each of the two complaints, and the third was a pre-deliberation attitude measure. After hearing the testimony and judge's instructions, jurors were to be asked to consider two legal complaints - Intentional Infliction of Emotional Distress, and False Imprisonment. However, it was learned during pre-testing that many subjects, even those who felt the defendant had caused harm to the plaintiff, were unwilling to find for the plaintiff on those two complaints, explaining that they did not think Intentional Infliction of Emotional Distress and False Imprisonment accurately described what had transpired. For this reason, we added another question, in effect a third complaint albeit an informal one, which asked, "Did the Church engage in activities that deprived the plaintiff of his free will?" This question served as a pre-deliberation and post-deliberation measure of attitude. The actual mock juror verdicts on the two complaints constituted the fourth and fifth dependent measures. Following the deliberations, mock jurors once again responded to the same question that served as the third pre-deliberation measure. Thus, the six dependent measures were:

1. How likely/unlikely are you, at this point, to find in favor of the plaintiff, Doug, on the complaint of Intentional Infliction of Emotional Distress; that is, how likely/unlikely are you to find the Church guilty on that complaint?
2. How likely/unlikely are you, at this point, to find in favor of the plaintiff, Doug, on the complaint of False Imprisonment; that is, how likely/unlikely are you to find the Church guilty on that complaint?
3. Please indicate the extent to which you agree/disagree with each of the following statement:
 - A. The Church engaged in activities that diminished Doug's ability to exercise his free will.
4. On the complaint of Intentional Infliction of Emotional Distress, was your own final verdict:
 1. In favor of the plaintiff, Doug
 2. In favor of the defendant, the Church, or
 3. Undecided
5. On the complaint of False Imprisonment, was your own personal final verdict:
 1. In favor of the plaintiff, Doug
 2. In favor of the defendant, the Church, or
 3. Undecided

6. Please indicate the extent to which you agree/disagree with the following statement:
 - A. The Church engaged in activities that diminished Doug's ability to exercise his free will.

Subjects

The subjects were 64 jury-eligible residents of Washoe County (Reno), Nevada. They participated on a voluntary basis and were paid an hourly wage for their time. To be eligible for jury duty in Nevada, residents must either hold a driver's license or I.D. card issued by the D.M.V., or be registered to vote. Subjects were recruited through a variety of means, including newspaper advertisements in which people were asked to respond if they were interested in participating in a one-day communication study.

Pretesting

Prior to conducting the actual mock juries, extensive pretesting was conducted, the results of which were quite revealing. In the first phase, 35 subjects were asked to give written responses to several open-ended questions about brainwashing, cults, and the use of brainwashing by cults. The responses revealed that most subjects were familiar with the term brainwashing, and had fairly well developed ideas about how they believed it worked. Most thought brainwashing was an effective means of bringing about relatively fast changes in attitudes and behaviors. In addition, nearly all of the subjects agreed that religious cults practice such techniques.

The next phase of pretesting involved obtaining ratings of the effectiveness of arguments about brainwashing contained in the testimony of two opposing expert witnesses. The testimony was heard in the context of a case modeled loosely on the Molko/Leal suit against the Unification Church (Post, 1989; Richardson, 1991). The plaintiff was described as a young man who had just graduated from college and planned to attend graduate school. After meeting a member of the group described as the "Church", the plaintiff went to a dinner and lecture, accepted an invitation to spend the weekend at a camp in a rural area, and eventually joined the group and remained an active member, participating in fund raising and recruiting activities for about two years, until he was removed from the group and "deprogrammed" by people hired by his parents. Subsequently, he filed a suit against the Church, claiming that the Church had used highly structured, systematic, deceptive techniques in order to first recruit him and then induce him to remain in the Church. He claimed that the techniques used had in effect deprived him of his free will, and that as a result of his experience he had suffered psychological damage including anxiety and depression, had lost two valuable years of his life, and fallen behind his peers in terms of education and social development.

The Church's major defense witness was described as a female college graduate who had been with the Church for 13 years, and who had been close to the plaintiff during the initial recruiting period and thereafter. She testified that the plaintiff had been enthusiastic about the group and showed no signs of dissatisfaction prior to being deprogrammed. She also testified that, while the group had tried very hard to persuade the plaintiff to join, they had used methods similar to those used by other religious groups. She further argued that the plaintiff was confusing religious education with brainwashing.

The two expert witnesses were each described as psychology professors at major universities, and each was portrayed as having extensive experience in his or her respective area of professional expertise. The expert for the plaintiff testified that the process of brainwashing, referred to as coercive persuasion when imprisonment or threat of force is absent, is based on a well established theory in psychology, and is capable of preventing a person from exercising their

free will. The plaintiff's expert further testified that religious cults use these techniques in order to recruit vulnerable individuals.

The expert for the defendant testified that coercive persuasion is not necessary because many young people actively seek out new religious groups, and that in any case, coercive persuasion has never been demonstrated empirically and is not an accepted theory applicable to the situation of religious recruitment.

The testimony was revised a number of times in an attempt to make the best possible case for each side. Finally, the summaries of witness testimony were videotaped for presentation to subjects, using a local actor as a neutral person reading the case summaries of the two opposing sides.

Responses of pre-test subjects to the preliminary videotapes as assessed by a questionnaire administered immediately afterward made it clear that several changes in the testimony were necessary. Subjects were asked to rate (using a 9-point scale) the strength of the arguments presented in the plaintiff's case and the defendant's case. (See Appendix B for ratings of arguments.) The research design required a case that allowed some differentiation in how people reacted; if all or nearly all jurors found for one side, then it would not be possible to study the ways that various factors influenced juror attitudes and decisions. Possible lack of differentiation was thought to be a serious problem, simply because observations of similar actual trials had shown a clear pro-plaintiff orientation among most jurors.

Pretesting helped to identify the most damaging facts, and provided an opportunity to modify them. For example, in the scenario that was used in pretesting, it was found that two facts tended to overwhelm subjects more than any others. Testimony about cutting of telephone lines by Church members and intercepting of mail of recruits was extremely offensive to many subjects, most of whom viewed those acts as clearly illegal. Thus, these facts were modified and in the revised versions there was testimony that Church members had listened in on phone calls of recruits, with the knowledge of the recruit; there was also testimony that Church members had reviewed incoming and outgoing mail, also with the knowledge of the recruit.

The testimony of the expert witness for the defendant was also modified in several ways. Less emphasis was placed on attacking the plaintiff's expert, and more emphasis was placed on demonstrating why, from the standpoint of cognitive psychology, it would be extremely difficult to bring about radical changes in a person's core attitudes and values in a short period of time, when there was no physical restraint or threat of physical harm. Based on this pretesting, final versions of the videotapes were prepared for presentation to the actual mock jurors (see Appendix D for transcripts). The videotaped summary of the testimony of the plaintiff and the defense witness lasted just under one hour, while the testimony of the two opposing expert witnesses took a total of about an hour and a quarter.

Procedure

Potential mock jurors had responded to a newspaper advertisement soliciting participants for a one-day communication study. They were told that the initial phase of the study involved filling out a questionnaire, which would take about 45 minutes to complete. The questionnaire included sections on communication behavior as part of the cover story. The important items, as far as this research is concerned, were a series of attitude assessment questions involving several topic areas, among which were included items on the use of brainwashing by cults to recruit members. This was done to minimize the ability of participants to discern the focus of our study. Participants also completed the 18-item Need for Cognition Scale, the Rotter Locus of Control Scale, some semantic differential scales, and a number of questions about their demographics and background (see Appendix C for Preliminary Questionnaire). In all, 140 individuals completed the questionnaire; 64 were eventually selected as subjects in the study, using those who scored in the upper or lower thirds on an "attitude index."

Responses to the attitude assessment questions were analyzed to determine which items to include in the "attitude index," which would be used as a means of assigning subjects to either a "strong bias" condition or a "weak bias" condition. Eventually, six items were selected that were inter-correlated at an acceptable level (Cronbach's Alpha = .76). The index was comprised of scores on the following six items:

- * Some religious groups or "cults" use brainwashing techniques to recruit new members. (11-point bipolar scale)
- * How likely/unlikely is brainwashing to bring about change in the central attitudes, beliefs, and behaviors of others? (11-point bipolar scale)
- * How likely are religious cults to try to recruit new members or followers using brainwashing? (11-point bipolar scale)
- * How likely are religious cults to try to recruit new members or followers using coercive persuasion? (11-point bipolar scale)
- * How frequently in the past few years have you thought about the alleged use of brainwashing by religious groups to recruit new members? (11-point bipolar scale)
- * How informed are you about this topic? (11-point bipolar scale)

Subject scores on the index were tabulated and ranked. Scores ranged from a high of 66 to a low of 21, with a mean of 44.6. Subjects with index scores falling in the upper one-third of the distribution were assigned to the high-bias condition and subjects with scores in the lower one-third were assigned to the low-bias condition.

Individuals were then assigned to one of eight different mock jury groups, with two groups of eight for each experimental condition. The unit of analysis in the research was not the jury, but the individual. Mock jury sessions were held approximately two weeks after the subjects had completed the initial attitude assessment instrument. Subjects were paid at a standard rate of \$7.00 per hour for their time in the study.

On the day they were scheduled to participate, subjects arrived at the location where the sessions were to be conducted, and after a brief overview of the proceedings, were presented with the videotaped summaries of the testimony of witnesses. Four of the eight groups saw testimony that included expert witnesses for both sides; the other four were not exposed to expert testimony, but heard the plaintiff and defense witness testimony. Likewise, one-half of the subjects who saw the expert testimony were in the high bias condition and one-half were in the low bias condition; and among those who did not hear expert testimony, one-half were low bias and one-half were high bias.

Following the witness testimony, typical and balanced judge's instructions were read to the jurors, and jurors then responded to a brief pre-deliberation attitude assessment questionnaire (see Appendix E). The instrument contained, among other items, three of the six dependent measures. Jurors then deliberated until they had reached a verdict on each complaint, or until about one and one-half hours had passed (three-quarters were required to agree in order to reach a group verdict, but group verdicts were not necessary and were not included as a dependent measure). Following the completion of deliberations, each juror again responded to a questionnaire that included, among other items, the final three dependent measures, which assessed their individual verdict preference on each complaint, and once again, their agreement with the question "Did the Church engage in activities that deprived the plaintiff of his free will?" (see Appendix E)

CHAPTER THREE

Results

In all, 64 eligible subjects participated in the mock jury sessions, with 16 in each of the four experimental conditions. Overall, a majority (57.1%) of jurors found for the defendant on the complaint of Intentional Infliction of Emotional Distress. An even larger majority (83.9%) found in favor of the defendant on the second complaint, False Imprisonment. Clearly, attempts to balance the testimony were effective, particularly in the case of the primary complaint, Intentional Infliction of Emotional Distress.

Pre-deliberation measures

Multiple regression analyses were conducted on the three pre-deliberation attitude measures. The results of these initial analyses indicated that none of the four independent variables (preexisting attitude; expert testimony; need for cognition; locus of control) were significantly related to any of the three pre-deliberation measures.

It was particularly puzzling that the pre-existing attitudes of the jurors were not related to their attitudes after they had heard the testimony in the case. It had been hypothesized that those with high scores on the pre-existing attitude index would be more likely than others to find in favor of the plaintiff on the two complaints, and to agree more strongly with the question, "Did the Church engage in activities that deprived the plaintiff of his free will?" The index was comprised of scores on six items that have been listed already.

A re-examination of the index revealed that four of the six items comprising it were concerned with the individual's belief in the likelihood of the use of brainwashing or coercive persuasion by religious groups, or the effectiveness of brainwashing. Two items, however, attempted to assess the extent to which the individual had thought about the issue, or become informed about it. Thus, those two items were primarily indicators of the complexity of the individual's attitude structure, rather than of the degree of polarization. In order to determine which, if any of the six items were significantly related to the pre-deliberation attitude measures, individual regression analyses were conducted for each item with each dependent measure.

The results of those regressions revealed that only one of the six items (How frequently in the past few years have you thought about the alleged use of brainwashing by religious groups to recruit new members?) was significantly related to the pre-deliberation attitude measures ($p < .01$) (see TABLE ONE; Tables are in Appendix A). Assuming that thinking frequently about an issue reflects a stronger attitude schema, this finding supported the hypothesis that the strength or extent of an individual's attitude structure would influence the extent to which biased processing occurs when the individual is presented with facts and arguments about the relevant issue during the course of a trial. Substantial research on schematic processing has shown that knowledge structures generally develop in a way that favors one position or another, and tend to bias processing by giving the person a way to bolster pro-attitudinal messages cognitively (Fiske and Taylor, 1984). Following that logic, individuals having more developed knowledge structures or schemas should engage in biased processing to a greater extent than people with less developed schemas. This finding might also indicate that the salience of the issue might affect the individual's attitude toward the case.

These possibilities led to a further analysis of three items that subjects had responded to when filling out the initial screening questionnaire, but which had not been included in the original attitude index. One of the questions was "How important is this issue to you personally?" (11-point bipolar scale). The second question asked subjects to "list any ideas you have or facts you believe to be true about the alleged use of brainwashing by religious groups." (Subjects were provided with six boxes on a page, and asked to list as many facts or ideas as they could, writing only one in each of the boxes.) Responses to this question were coded and assigned a value

ranging from 0 to 6. The third question was "How informed are you about the alleged use of brainwashing by religious groups to recruit new members?" (11-point bipolar scale). A correlation analysis was then conducted on the three new items plus the one significant item from the original index; this revealed that three of the four items were highly correlated, while one, the facts/ideas item was not. Therefore this item was not included in further analyses.

Regressions were then conducted for each of the two new items (see TABLE TWO and TABLE THREE). The results revealed that responses to both questions were significantly related to each of the three pre-deliberation measures ($p < .005$). A subsequent correlation analysis on those two items plus the one significant item from the first index yielded a Cronbach's Alpha of 0.77 for the three items.

These findings suggested that the creation of a new attitude index, comprised of scores on the three significant items just discussed, would be desirable and would result in an index score that represented the complexity of the individual's attitude schema rather than simply the degree of polarity. Scores on the three items were therefore summed, creating a "strength of schema" variable. Scores on the new index ranged from 3 to 31, with a mean of 18.55.

A subsequent regression analysis of the new index on the pre-deliberation attitude measures showed that individuals who scored high, and who therefore presumably had more extensive attitude schema structures on the topic, were significantly more likely to give pro-plaintiff responses on all three measures ($p < .01$) (see TABLE FOUR). Based on the above findings, the new "strength of schema" index was used in place of the initial "pre-existing attitude" index in subsequent analyses.

Hierarchical multiple regressions were then conducted to determine the strength of the relationships between the four independent variables (including the "strength of schema" index variable) and each of the three pre-deliberation dependent measures. The results of those analyses revealed that only the strength of schema variable and Need for Cognition were significantly related to any of the three pre-deliberation measures (see TABLES FIVE, SIX, and SEVEN). Mock jurors having high scores on the strength of attitude schema index reported a greater likelihood of finding for the plaintiff on each of the two complaints ($p = .0007$ for Intentional Infliction of Emotional Distress; $p = .0063$ for False Imprisonment), and were also more likely to agree with the pre-deliberation measure that asked whether the Church had engaged in activities that deprived the defendant of his free will ($p = .0061$). Jurors who were high in Need for Cognition tended to be more defense-oriented in their likely verdicts on Intentional Infliction of Emotional Distress ($p = .0307$) and on the pre-deliberation attitude measure ($p = .0171$).

In order to determine whether there had been any interaction between schema strength, need for cognition, and expert testimony, a 3 way (schema strength: strong or weak) x (expert testimony: yes or no) x (Need for Cognition: high or low) between-subjects analysis of variance (ANOVA) was then conducted on the three pre-deliberation dependent measures (they were not conducted on the post-deliberation measures because of a likely lack of independence associated with juror interactions in the groups). The analyses revealed no significant interactions, and three main effects as follows:

* The ANOVA on the pre-deliberation measure "Likelihood of verdict on Intentional Infliction of Emotional Distress" (IIED) revealed main effects for each of the three independent measures. The strongest main effect was for schema strength $F(1,56) = 8.68$, $p = .002$, in which jurors with stronger attitude schemas were more likely to find for the plaintiff than were those with weaker schemas. Expert testimony also yielded a main effect, with jurors who were exposed to the testimony being more likely to find for the plaintiff than those who had not $F(1,56) = 3.03$, $p = .004$. Need for cognition also yielded a main effect, with jurors high in need for cognition being more defense oriented than were those low in need for cognition $F(1,56) = 3.04$, $p = .043$. There was also a marginally significant schema strength by need for cognition interaction on this measure $F(1,56) = 1.7264$, $p = .0971$ (See TABLES THIRTEEN and FOURTEEN).

* The ANOVA on the pre-deliberation measure "Likelihood of verdict on False Imprisonment (FI) showed only a main effect for schema strength $F(1,56)=3.8442$, $p=.027$, in which those with stronger attitude schemas were more likely to agree with the plaintiff's allegation that the Church had deprived him of his free will (See TABLES FIFTEEN and SIXTEEN).

* The ANOVA on the pre-deliberation attitude measure "Did the Church engage in activities that deprived the plaintiff of his free will?" also revealed only a main effect for attitude schema strength $F(1,56)=8.19$, $p=.003$ which was in the same direction as in the previous two measures. In addition, there was a marginally significant main effect for expert testimony $F(1,56)=1.7444$, $p=.0960$ (See TABLES SEVENTEEN and EIGHTEEN).

Post-deliberation measures

Logit regression analyses were then conducted for the individual juror verdicts on each of the two complaints because the verdicts had dichotomous values - finding in favor of the plaintiff or in favor of the defendant, and multiple regression analysis using dichotomous dependent variables may be problematic (Aldrich & Nelson, 1984). Because all three post-deliberation measures were taken after the jurors had interacted with each other, raising the possibility that there was some dependency in their responses, the effects of the group interactions were removed from the regression equation first. This was done by entering seven of the eight groups as dummy variables before any other variables were entered. Because expert testimony had been presented to groups 1-4, and not to groups 5-8, entering the groups as dummy variables also made it unnecessary to enter expert testimony as a separate variable. This procedure was followed for all three of the regression analyses on the post-deliberation measures.

The logit analyses revealed that only one of the four independent variables - need for cognition - was related significantly to both actual juror verdicts ($p=.0076$ for Intentional Infliction of Emotional Distress; $p=.0053$ for False Imprisonment) (see TABLES EIGHT and TEN). Jurors low in need for cognition were more likely to find for the plaintiff on each complaint, while those higher in need for cognition tended to render defense verdicts.

The final dependent measure was the post-deliberation question, "Did the Church engage in activities that deprived the plaintiff of his free will?" The hierarchical multiple regression revealed that three of the four independent variables were significantly related to this measure, while the fourth, expert testimony, was marginally related (see TABLE TWELVE). Mock jurors who had heard the testimony of the two psychologists tended to agree more strongly with the plaintiff's position than did those who had not heard the testimony ($p=.0706$). As was the case with the pre-deliberation measures, subjects who had stronger attitude schemas on the topic were more likely than those with weaker schemas to agree with the plaintiff's position on this measure ($p=.0538$), as were those low in need for cognition ($p=.0224$).

Finally, jurors having a relatively external locus of control tended to favor the defendant's position on the post-deliberation attitude measure, while internals were more likely to agree with the plaintiff's position, contrary to the predicted outcome ($p=.0265$). Although the reason for this finding is not clear, it might be an indication that jurors having an internal locus of control are more sensitive than externals to threats to internal control, and thus tend to empathize with others, such as the plaintiff, whose internal control was allegedly threatened. Jurors having an internal locus of control apparently tend to agree that coercive persuasion works, and might be concluding that the plaintiff's locus of control was intentionally shifted from an internal locus to an external locus by the actions of the defendant Church.

Additional Analyses

After finding in the multiple regression analyses that need for cognition was the only significant predictor of actual juror verdicts, a model was created for predicting verdicts, based on that variable. The model was then used to predict probable verdict outcomes for the 64 mock jurors. In order to assess the efficacy of the model, a cross-classification table was created, based on the predicted probabilities for outcomes on the complaint of Intentional Infliction of Emotional Distress (See TABLE NINE). First, predicted outcomes of verdicts on IIED were computed, based on individual scores on Need for Cognition (1=low, 9=high). Predicted probabilities could range from 1.0 (verdict for defendant) to 0.0 (verdict for plaintiff) for the 63 jurors who had registered a verdict on IIED (one juror had been undecided). Among those 63, 39 of the predicted probabilities were in the .51 - 1.0 range, indicating a probability of a defense verdict, while the other 24 were in the 0.0 - .49 range, indicating a likely plaintiff verdict. Those values were then compared to the observed verdicts of the 63 jurors.

A chi square analysis of the 2 x 2 cross-classification table showed that the model had been successful in predicting juror verdicts (Chi-square=17.654, $p=.0305$). Just 8 of the 24 jurors who had been assigned a low probability (0.0-.49) of finding for the defendant were misclassified and actually found for the defendant; similarly, just 11 of the 39 jurors who had been assigned a high probability (.51-1.0) of finding for the defendant actually found for the plaintiff. Thus, 69.84 percent of the verdicts were correctly classified. A similar cross-classification table was created, based on the predicted probabilities for outcomes on False Imprisonment (See TABLE ELEVEN). This model was quite successful in predicting juror verdicts (Chi-square=24.169, $p=.0036$), with 88.71 percent being correctly classified.

Finally, an analysis was conducted on the responses of jurors who had heard the testimony of the expert witnesses (N=32) and had rated those experts on eleven different dimensions following the presentation of the testimony. T-tests were conducted on the mean ratings of the two experts (Dr. S and Dr. R). The results of these analyses revealed that participants had rated the plaintiff's expert, Dr. S. significantly more credible ($t=2.13$, $p=.021$) than Dr. R. They rated Dr. R. significantly more biased ($t=3.05$, $p=.002$), self-serving ($t=1.77$, $p=.043$) and intentionally misleading ($t=3.48$, $p=.001$) (See TABLE NINETEEN).

CHAPTER FOUR

Discussion

The present investigation has examined the effects of several variables that were thought to be related to juror attitudes and juror decisions in a trial. Observation of the outcomes of several actual trials of this type had led to the hypothesis that verdicts against the defendants (new religions, sometimes called cults) were occurring primarily for two reasons. First, there is a good deal of anti cult bias in the population, and there is also a pervasive belief that cults use brainwashing techniques in an attempt to recruit new members. This is coupled with a belief that brainwashing is an effective means of bringing about relatively rapid behavior and personality change. Thus, it was thought to be likely that such pre-existing biases would influence jurors strongly enough to cause them to render verdicts against the cults, even when such verdicts were not warranted by the evidence alone. The second major reason for the outcomes of those trials was thought to be the overwhelming impact of the testimony of expert witness psychologists who asserted, without sufficient empirical support, that coercive persuasion is in fact an effective means of depriving people of their ability to exercise their free will, and that it is in fact used by cults to the detriment of those who fall under their influence.

The results of the study revealed that all four independent variables were significantly related to at least one of the dependent measures. One finding of interest was that, at least in the case that was presented, mock jurors were not uniformly guided by their biases when it came to rendering an actual verdict. That is not to say, however, that attitudes toward the case were not affected by pre-existing biases. Bias did strongly affect juror responses to the three dependent measures taken after the testimony was completed but before deliberations began. First, jurors with stronger preexisting attitude schemas exhibited a stronger likelihood of rendering verdicts for the plaintiff on both complaints than did those with weaker attitude schemas. Also, they registered stronger agreement with the plaintiff's claim that the Church had engaged in activities that deprived him of his free will both before and after deliberations. But when it came to rendering an actual verdict, the strength of the individual's preexisting attitude schema did not significantly affect the decision.

The testimony of the opposing expert witnesses appears to have had an impact on some of the pre-deliberation measures as well as the post-deliberation measures. Unlike preexisting attitudes, the expert testimony did not significantly affect responses to the three pre-deliberation measures according to the regression analyses: jurors who had heard the experts were no more plaintiff or defendant oriented than those who had not heard the testimony. However, the ANOVAs did show main effects for expert testimony on the measure of pre-deliberation likelihood of verdict on Intentional Infliction of Emotional Distress, so there apparently was an effect which became insignificant in the regression when the effects of attitude schema strength were taken into account first. Finally, on the post-deliberation attitude question expert testimony also appears to have affected jurors, although that finding was only marginally significant. One immediate question is raised as a result of these findings: Why did the preexisting attitude bias and expert testimony affect the pre-deliberation and post-deliberation measures more strongly than they affected the actual verdicts?

The answer to the question appears to lie in the perceived disparity between the allegations made by the plaintiff (that the Church had systematically deprived him of his free will) and the actual legal complaints. The group deliberations were notable in that considerable time was spent discussing the wording of the complaints and trying to reconcile the defendant's actions with the legal terms used. Many jurors said they disagreed with what the Church did, but had difficulty finding that the Church had engaged in Intentional Infliction of Emotional Distress or False Imprisonment. This problem had been anticipated as a result of the pretesting, and as a means of compensating for it jurors had been asked, both before and after deliberating, to indicate whether they thought the Church had engaged in activities that deprived the plaintiff of his free will. Responses to that question, and the comments made by jurors while deliberating,

strongly indicated that if the legal complaint had been "engaging in actions that deprive one of his or her free will" a substantially larger number of jurors would have found for the plaintiff.

That did not happen of course, but what apparently did occur lends strong support to the hypothesis that jurors who are high in need for cognition will pay more attention to relevant issues and be less influenced by their biases than will jurors who are low in need for cognition. The finding that high need for cognition was significantly related to defense verdicts on both complaints can probably best be explained in terms of high need for cognition jurors scrutinizing the central issue of the case, and tending to become aware of the disparity between the defendant's actions and the legal complaint. That is, high need for cognition jurors were less likely to accept the plaintiff's assertion that using coercive persuasion to deprive him of his free will constituted either Intentional Infliction of Emotional Distress or False Imprisonment. Low need for cognition jurors, on the other hand, tended not to make much of the disparity, and were willing to find for the plaintiff on one or both complaints simply because they believed the Church had somehow acted wrongly.

Apparently, need for cognition did operate in the manner that was anticipated. It was expected that the motivation to scrutinize issue-relevant arguments would result in attitudes more favorable to the defendant, and that did occur: jurors overall were more favorable to the defendant's position if they were high in need for cognition, and more favorable toward the plaintiff's position if they were low in cognition. There was also a strong non-significant trend in support of one of the predictions of the study; jurors who were high in need for cognition and who were also very biased apparently used the expert testimony to bolster their position, as those jurors were more strongly plaintiff oriented than any other group on the first two pre-deliberation measures (See TABLES FOURTEEN and SIXTEEN). Further, high need for cognition jurors seem to have focused their scrutiny on the fit between the law they were to apply and the facts as they were presented. In doing so, they appear to have exercised restraint in following their biases, and instead objectively decided to adhere to the letter of the law.

The inconsistent relationship between expert testimony and the dependent measures also raises questions. One possible explanation is that there was a ceiling effect on juror bias even before the expert testimony was presented. Jurors who were already convinced that cults use brainwashing or coercive persuasion, and believe that such practices are effective in depriving recruits of their ability to exercise their free will, did not change their position appreciably upon hearing an expert validate their assumptions.

Another possible explanation is that some jurors who heard the testimony of the two opposing experts chose to discount that testimony for one or more reasons. They may have concluded, as jurors often do, that the two psychologists were just "hired guns" and that their contradictory testimony about the use of coercive persuasion and its efficacy was a manifestation of the tendency of experts to say whatever is necessary to earn their fee. The group deliberations included a number of comments to that effect, and in the debriefing sessions afterward, many jurors indicated that the experts had effectively neutralized each other.

CHAPTER FIVE

Summary and Conclusions

Implications for the Frye-relevancy controversy

This research lends support to the dissenting opinion in *Barefoot v. Estelle*, which argued that "unreliable scientific evidence" (novel scientific evidence) is prejudicial in jury trials (*Barefoot v. Estelle*, 463 U.S. 880, 1983). The results of the mock jury research indicated that expert testimony about the use of brainwashing or coercive persuasion by new religions or cults affected juror attitudes, particularly among biased jurors who were motivated to scrutinize the arguments. Clearly, the unreliable scientific evidence was prejudicial in this case, in spite of the fact that jurors had heard reliable opposing testimony. This finding alone is enough to call into question the relevancy standard for the admissibility of novel scientific testimony, and refutes the assertion that "nothing inherent in novel scientific evidence presents a danger of undue prejudice." (Egesdal, 1986, p. 1783)

Also disturbing was the finding that jurors rated the plaintiff's expert as being more credible and more informative than the defense expert; the defense expert was in turn rated as more vague, biased, self-serving and intentionally misleading. Given that the testimony of the defense expert was sounder, scientifically, than that of the plaintiff's expert, this pattern of findings shows a remarkable inability on the part of jurors to distinguish between reliable and unreliable scientific testimony. This finding further supports the contention that the Frye doctrine is a more reliable standard for determining the admissibility of novel scientific testimony. If preexisting bias is bolstered by unreliable scientific evidence, as appears to have happened in this case, then such evidence should be disallowed on the grounds that it is prejudicial.

The danger of expert testimony being given undue weight is obviously much greater when there is no testimony from an opposing expert. But very different issues come into play in such a scenario. If there is a tenable opposition position, a lawyer would be engaging in legal malpractice by not presenting an expert to testify to that effect. A scenario in which expert testimony about novel scientific evidence based on a theory not generally accepted in its relevant field (e.g., brainwashing, subliminal persuasion) is presented and is not addressed by an opposing expert is obviously problematic, but easily avoided. Similarly, concerns about the status or prestige of one expert overwhelming jurors when the opposing expert is less prestigious are probably warranted; however, this problem too can generally be avoided because there is no lack of prestigious expert witnesses willing to testify to almost anything.

Nevertheless, those scenarios need to be tested empirically if a sound basis for resolving the Frye-relevancy controversy is desired. In addition to doing mock jury research testing the effect of an unopposed expert, or experts of unequal prestige, it will also be necessary to do research on cases involving expert testimony in areas other than cult brainwashing. Cases involving expert testimony about subliminal persuasion, rape trauma syndrome, hypnosis, among others, all stand to be affected by discussions about the admissibility standards for novel scientific evidence, and empirical data about how jurors react to expert testimony in different kinds of cases is essential if informed policy decisions regarding implementation of the Frye Doctrine or relevancy standard is applied to expert testimony in psychology and psychiatry.

The potentially prejudicial nature of novel scientific testimony, as demonstrated in the present research, tends to support rather than weaken Faust and Ziskin's (1988) position that all clinical psychological or psychiatric testimony should be banned from courtrooms; at the least, it signals that such testimony should be severely restricted. The court in *Frye* noted, with respect to the line between the experimental and demonstrable stages of a scientific principle, that "the thing from which the deduction is made must be sufficiently established to have gained general acceptance in the particular field in which it belongs" (*Frye v. United States*, p. 1014). The key phrase here is "general acceptance" and the implication of the findings of the research reported

here is that there should be a conservative rather than liberal standard applied by the court when making a determination as to whether a theory or principle in psychology is generally accepted in the particular field to which it belongs.

Implications of findings for "cult brainwashing cases"

The results of this study should give hope to new religions or cults faced with litigation that, at least in cases similar to the one used in this research, jury verdicts in favor of the defendant are possible. Among the 32 mock jurors who heard all of the testimony, including that of the two opposing expert witnesses, 14 jurors found for the plaintiff, while 17 found in favor of the defendant (one was undecided). Given these figures, it is clear that the jury verdict could easily favor the defendant. Juror bias and the prejudicial effect of unreliable novel scientific evidence, while obviously affecting juror attitudes, need not always determine the final verdict, and those factors did not prevent the majority of jurors from finding for the defendant in this case.

Given these findings, why have real juries consistently been finding against the new religions in such cases? Pretesting revealed that it might simply be a matter of "bad facts." In pretesting, it was learned that jurors were deeply affected by two specific facts in the scenarios that were presented. The Church was accused of intercepting mail (not allowing it to reach the new recruit) and cutting off telephone contact with the outside world (by turning off the telephone). Many jurors were outraged by these actions, and believed that the acts were illegal; as a result, they were willing to find for the plaintiff. The impact of such "bad facts", which in other cases have included real or perceived threats of physical harm, or coercion leading to the recruit turning over all worldly possessions to the church, is likely a major cause of jury verdicts against the new religions in these cases. Jurors are sensitive to the issue of religious freedom, and freedom of religion can be an effective defense in suits against religious groups. It is not a blanket defense, however. When jurors feel that law has been violated, as may have been alleged in some cult brainwashing cases, or that social norms have been seriously violated and resulted in harm to vulnerable individuals, they are willing to draw the line on religious freedom. In such instances, jurors tend to base their decisions on the notion that freedom of religion protects beliefs, but not actions.

To the extent that counsel for the new religions, and other interested parties, have been attributing their losses in court primarily to the prevalent bias against "cults" and/or the testimony of expert witness psychologists that coercive persuasion is an effective means of bringing about radical personality change in a brief period of time, they may have been focusing on the wrong issues. As an example, a tremendous amount of time and energy has been spent trying to discredit the foremost expert witness testifying against the "cults" in these cases. It was learned in the pretesting, however, that jurors were offended by attacks on the credibility of this witness and were more interested in hearing about why brainwashing or coercive persuasion (ideas they found to be intuitively plausible) might not be effective.

Given a case in which there are no "bad facts" and in which the jury is faced with deciding only whether the plaintiff has been deprived of his or her free will by the actions of the organization, and has been harmed as a result, there appears to be a fair likelihood that the case can be won by the defendants.

Implications of findings for social psychology

The results of this study provide support for predictions based on Petty and Cacioppo's (1986) Elaboration Likelihood Model of persuasion. This model has not been tested systematically in a jury simulation context, and the present research demonstrates that some of the major predictions of the model do hold in this situation. Perhaps most important is the finding that jurors who are not motivated to process issue relevant arguments (those low in need for cognition)

tended to find against the defendant church on both legal complaints in spite of the fact that the testimony by the defendant's expert witness psychologist was sounder scientifically than that of the plaintiff's expert; they also tended to ignore the lack of correspondence between the facts of the case and the actual legal complaints, and unlike their high need for cognition counterparts often found for the plaintiff in spite of this problem. There was also a strong non-significant trend (perhaps due to the low n) supporting the prediction that jurors who processed via the central path would use pro-attitudinal arguments to bolster their existing biases. Overall, jurors who processed via the central path, and who had strong biases, appear to have used the supporting expert testimony to bolster their attitudes, and these jurors exhibited the strongest pro-plaintiff attitudes after hearing the testimony. Conversely, jurors with weak biases who processed centrally but were not exposed to expert testimony were the most strongly defendant-oriented jurors. Having weak or non-existent attitudes toward the issues to begin with, and no expert testimony to influence them one way or the other, these jurors appear to have scrutinized the facts of the case and concluded that the plaintiff's allegations were unfounded.

The findings of this research also tend to weaken rather than support Egesdal's (1986) argument that those espousing the Frye doctrine are primarily preoccupied with the effects of the prestige of the expert, or the paramessage elements of the communication, while those promoting the relevancy approach are most concerned with the message elements. The fact that biased jurors who were motivated to scrutinize the issue-relevant arguments apparently used the unreliable scientific testimony of the plaintiff's expert to bolster their position indicates that the content of such testimony should be of concern to those espousing the Frye doctrine. It also clearly contradicts Egesdal's (1986, p. 1783) assertion that "Nothing inherent in novel scientific evidence presents a danger of undue prejudice."

Egesdal's analysis was in part based upon Petty and Cacioppo's E.L.M. model of persuasion, and the use of this model as a means for analyzing juror reactions to novel scientific testimony was well justified. The problem with his conclusion, which admittedly was not based on research, was that he apparently did not give enough weight to the idea that a substantial number of jurors might be motivated to scrutinize the issue relevant arguments, and thus would (particularly if already biased) tend to use even unreliable testimony to strengthen their biased position.

This research was also an exercise in trying to understand why different jurors, presented with the same facts and arguments, reach different conclusions. Trying to account for a large portion of the variance in likely juror verdicts in mock jury studies has yielded somewhat disappointing results overall, with attitudes, personality, and demographic variables in most studies accounting for no more than fifteen percent of the variance on juror verdict preferences. This study fared somewhat better; for example, three independent variables (preexisting attitude schema, need for cognition, and locus of control) accounted for about 20 percent of the variance in mock juror pre-deliberation verdict preference on the charge of Intentional Infliction of Emotional Distress.

Part of the unexplained variance is no doubt tied to the fact that jurors generally try their best to do what is fair. The complexity of this endeavor is made clear in Backman's (1976) analysis of the warranting of judgments; central to this analysis is the idea that moral assessments of a situation are determined by how the person making the judgment defines the situation. Numerous factors come into play in this process, including the values of the juror, the perceived appropriateness of the excuses, justifications, and accounts given, and normative expectations that vary with social roles and other factors. Accurate predictions of juror behavior will not be possible unless these factors, among others, are taken into consideration.

The ways in which jurors make attributions of responsibility also play an important role in juror verdicts, and to date little systematic research has been done on how jurors go about doing this. One model, which views people as "intuitive lawyers" (Fincham & Jaspars, 1980; Hamilton, 1980) might be of particular use in understanding this process. Fincham and Jaspars make the

point that although an actor causes an action, he or she is not always viewed as being responsible for that action. MacCoun (1987) argues that the mock jury methodology is well suited for exploring the attributional processes that take place in juries, and clearly such studies could add to the overall ability of social scientists to understand juror and jury behavior.

Although the findings reported here are significant and generally tend to support the stated hypotheses, there is a legitimate question about the extent to which they can be generalized to actual trials in which novel psychological or psychiatric testimony is presented. External validity is always an issue when drawing inferences from a single experimental study, and the external validity of jury simulation research has been criticized by numerous writers (Miller, et al., 1977; Vidmar, 1979; Dillehay & Nietzel, 1980; Weiten & Diamond, 1979; Colasanto & Sanders, 1976). A review of the problem by Bray and Kerr (1982) highlights some of the major problems associated with establishing generality for the results of jury simulation studies, and also provides some arguments for continuing to conduct such research in spite of the obvious limitations.

One major theme of the critics of jury simulation research, according to Bray and Kerr, is that many studies bear little resemblance to actual courtroom behavior. While some studies are highly realistic and involve live presentations in a courtroom, most tend to be quite unrealistic, primarily because of time and cost considerations, and use students as subjects and present only brief written case materials. The present research implemented measures to overcome these two problems, by using jury-eligible members of the community-at-large as mock jurors and by preparing rather extensive videotaped summaries of witness testimony. Another concern has been that mock jurors are sometimes asked to role play and act as if they were real jurors. Critics (Weiten & Diamond, 1979; Dillehay & Nietzel, 1980) argue that this is an inadequate method for gaining an understanding of how real jurors or juries function. The present research took pains to engender in subjects an attitude of seriousness and involvement, and was structured so as to demand active rather than passive role playing (Mixon, 1977). The phenomenon of mock jurors becoming highly involved in their roles, as described by Bray and Kerr, was also observed in the present research.

A second major theme voiced by critics, according to Bray and Kerr, is that typical simulation treatments are often worthless or misleading. Naive experimenters sometimes ignore basic legal guidelines for admitting evidence, or use sentencing as a dependent measure even though jurors rarely are asked to impose sentences, for example. The present study avoided such transgressions by having a member of the bar review all materials and procedures for technical accuracy. Another criticism, and one that is more difficult to deal with, is that the effects produced by an experimental treatment may be stronger than they would in an actual trial if the treatment is particularly prominent in the trial simulation. In the research reported here, the expert testimony that was presented accounted for about one-half of the material that participants viewed, and thus was arguably much more prominent than it would have been in a real trial. Even so, the effect of the expert testimony was far from overwhelming, as would be expected if the prominence of the treatment had unduly influenced participants. While jurors in an actual trial would spend proportionally less time exposed to the expert testimony, they also would be primed by the attorneys for each side, beginning with the opening statements, to pay careful attention to the expert testimony because it is perceived as a key to success in these cases.

This research also attempted to ensure external validity by utilizing case materials based on actual witness testimony in "cult" brainwashing cases. Clearly one step in the direction of establishing external validity involves presenting mock jurors with realistic facts and arguments; case materials form the basis for juror decision-making, and thus must reflect an accurate summary of the essential elements of the trials that the mock trial is attempting to simulate. Because the present study employed a strategy of gathering data from the field before designing and conducting the research, the likelihood that it is externally valid has been substantially increased.

A third theme of critics of simulation research discussed by Bray and Kerr is that jury simulations or laboratory experiments are an inappropriate means for studying applied questions, especially when these studies are of the unrealistic type. They point out that some critics, such as Dillehay and Nietzel (1981) view such methods as unacceptable when the research application has policy implications.

The present research was designed as a first step toward understanding problems associated with the use of unrestricted novel psychological or psychiatric testimony in jury trials. Thus the research could have implications for policy, e.g., whether to apply the standards of the Frye doctrine or of general relevancy, or for that matter whether to bar all clinical testimony from the courtroom. In order to do so in any meaningful way, however, the external validity of the study must be established as firmly as possible. Of course, as Bray and Kerr point out, in the final analysis external validity can only be demonstrated by direct comparisons of the effects under the experimental and the actual trial conditions. But short of that, there are a number of ways in which the generality of the present research can in time be established or refuted. One way would be to conduct similar studies using several different types of cases involving novel testimony in other areas. Another way would be to systematically vary the characteristics of the actors and situations within each different type of case. A third way would be to vary the levels of treatments in the different types of cases. Expert testimony, for example, should probably be given relatively less emphasis in future studies than it was given in this one. A fourth means of demonstrating external validity would be to progressively improve the mock jury methodology so as to heighten the realism of the process. Finally, field research including observation of trials and post-deliberation interviews with actual jurors could help to establish the validity of the simulation research. Given the importance and potential impact of any policy decisions concerning standards for admitting novel scientific testimony, research purporting to bear on the issue must be meticulously conducted and must meet high standards for internal as well as external validity.

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APPENDIX A: Tables

TABLE ONE

Simple Regressions for: "How frequently in the past few years have you thought about the alleged use of brainwashing by religious groups to recruit new members?"

VARIABLE	r	r ²	T-Value	Significance*
Likely verdict on Intentional Infliction of Emotional Distress	0.3578	0.1280	3.0174	0.0018
Likely verdict on False Imprisonment	0.2907	0.0845	2.3923	0.0099
Pre-deliberation attitude measure	0.3085	0.0951	2.5533	0.0065

*One-tailed test
Degrees of freedom = 62
N = 64

TABLE TWO

Simple Regressions for: "How important is this issue to you personally?"

VARIABLE	r	r ²	T-Value	Significance*
Likely verdict on Intentional Infliction of Emotional Distress	0.4385	0.1923	3.8416	0.0001
Likely verdict on False Imprisonment	0.3264	0.1065	2.7191	0.0043
Pre-deliberation attitude measure	0.3350	0.1122	2.7994	0.0034

*One-tailed test
Degrees of freedom = 62
N = 64

TABLE THREE

Simple Regressions for: "How informed are you about the alleged use of brainwashing by religious groups to recruit new members?"

VARIABLE	r	r ²	T-Value	Significance*
Likely verdict on Intentional Infliction of Emotional Distress	0.3217	0.1035	2.6752	0.0047
Likely verdict on False Imprisonment	0.3306	0.1093	2.7578	0.0038
Pre-deliberation attitude measure	0.3217	0.1035	2.6752	0.0047

*One-tailed test
 Degrees of freedom = 62
 N = 64

TABLE FOUR

Simple Regressions for: Strength of Schema Index.

VARIABLE	r	r ²	T-Value	Significance*
Likely verdict on Intentional Infliction of Emotional Distress	0.3868	0.1496	3.3030	0.0008
Likely verdict on False Imprisonment	0.3302	0.1090	2.7543	0.0038
Pre-deliberation attitude measure	0.3063	0.0938	2.5335	0.0069

*One-tailed test
 Degrees of freedom = 62
 N = 64

TABLE FIVE

Hierarchical Regression to Predict: Likely Verdict on Intentional Infliction of emotional Distress

VARIABLE	r	r ²	Increase in r ²	F-Ratio	Probability*
Strength of schema	0.3868	0.1496	0.1496	11.0525	0.0007
Expert testimony	0.4219	0.1780	0.0283	1.9149	0.858
Need for Cognition	0.4704	0.2213	0.0433	3.6377	0.0307
Locus of Control	0.4790	0.2294	0.0082	0.6266	0.2159

*One-tailed test
 F-Ratio = 4.3921
 Degrees of freedom = 4, 59
 Probability = 0.0018
 Number of cases = 64

TABLE SIX

Hierarchical Regression to Predict: Likely Verdict on False Imprisonment

VARIABLE	r	r ²	Increase in r ²	F-Ratio	Probability*
Strength of schema	0.3302	0.1090	0.1090	6.6259	0.0063
Expert testimony	0.3378	0.1141	0.0051	0.3453	0.2795
Need for cognition	0.3540	0.1253	0.0112	0.6745	0.2074
Locus of Control	0.3562	0.1269	0.0016	0.1057	0.3731

*One-tailed test

F-Ratio	=	2.1434
Degrees of Freedom	=	4, 59
Probability	=	.0433
Number of Cases	=	64

TABLE SEVEN

Hierarchical Regression to Predict: Pre-deliberation attitude measure

VARIABLE	r	r ²	Increase in r ²	F-Ratio	Probability*
Strength of schema	0.3063	0.0938	0.0938	6.6862	0.0061
Expert testimony	0.3381	0.1143	0.0205	1.2635	0.1327
Need for cognition	0.4180	0.1748	0.0605	4.6926	0.0171
Locus of Control	0.4271	0.1824	0.0077	0.5529	0.2300

*One-tailed test

F-Ratio	=	3.2911
Degrees of Freedom	=	4, 59
Probability	=	0.0084
Number of Cases	=	64

TABLE EIGHT

Hierarchical Logit Regression to Predict: Actual Verdicts on Intentional Infliction of Emotional Distress

VARIABLE	r	r2	Increase in r2	Wald	Probability*
GROUP 1 (Expert test.)	.0000	.0000	.0000	.4060	.2620
GROUP 2 (Expert test.)	.0000	.0000	.0000	.6274	.2141
GROUP 3 (Expert test.)	.0000	.0000	.0000	.0352	.4256
GROUP 4 (Expert test.)	.0000	.0000	.0000	.0405	.4202
GROUP 5 (No Expert)	.0000	.0000	.0000	.3814	.2684
GROUP 6 (No Expert)	.0000	.0000	.0000	.2838	.2971
GROUP 7 (No Expert)	.0000	.0000	.0000	1.7236	.0946
Strength of schema	.0000	.0000	.0000	1.1975	.1369
Need for Cognition	.2127	.0452	.0452	5.8933	.0076
Locus of Control	.2127	.0452	.0000	1.5268	.1083

*One-tailed test
 Degrees of freedom : 10, 51
 N : 62

TABLE NINE

Classification Table for Verdicts on Intentional Infliction of Emotional Distress

Predicted Verdicts

	<u>Observed Verdicts</u>		<u>Percent Correct</u>
	Plaintiff	Defendant	
Plaintiff	16	11	59.26%
Defendant	8	28	77.78%
OVERALL			69.84%

	Chi-Square	df	Significance (one-tailed)
Model Chi-Square	17.654	10	0.0305
Goodness of Fit	59.696	52	0.1081

TABLE TEN

Hierarchical Logit Regression to Predict: Actual Verdicts on False Imprisonment

VARIABLE	r	r2	Increase in r2	Wald	Probability*
GROUP 1 (Expert test.)	.0000	.0000	.0000	.0063	.4685
GROUP 2 (Expert test.)	.0000	.0000	.0000	.0107	.4588
GROUP 3 (Expert test.)	.0000	.0000	.0000	.0113	.4577
GROUP 4 (Expert test.)	.0000	.0000	.0000	.0098	.4606
GROUP 5 (No Experts)	.0000	.0000	.0000	.0000	.4972
GROUP 6 (No Experts)	.0000	.0000	.0000	.0052	.4711
GROUP 7 (No Experts)	.0000	.0000	.0000	.0000	.4978
Strength of schema	.0000	.0000	.0000	.1248	.3619
Need for Cognition	.2870	.0823	.0823	6.5109	.0053
Locus of Control	.2870	.0823	.0000	.8007	.1854

*One-tailed test
 Degrees of freedom : 10, 51
 N : 62

TABLE ELEVEN

Classification Table for Verdicts on False Imprisonment

Predicted Verdicts

	<u>Observed Verdicts</u>		<u>Percent Correct</u>
	Plaintiff	Defendant	
Plaintiff	5	5	50.00%
Defendant	2	50	96.15%
OVERALL			88.71%

Chi-Square		df	Significance (one-tailed)
Model Chi-Square	24.169	10	0.0036
Goodness of Fit	31.066	51	0.4938

TABLE TWELVE

Hierarchical Regression to Predict: Post-deliberation attitude measure

VARIABLE	r	r ²	Increase in r ²	F-Ratio	Probability*
GROUP 1 (Expert test.)	0.0226	0.0005	0.0005	1.1348	0.1458
GROUP 2 (Expert test.)	0.2139	0.0458	0.0452	4.4004	0.0203
GROUP 3 (Expert test.)	0.2990	0.0894	0.0437	3.1865	0.0400
GROUP 4 (Expert test.)	0.3753	0.1409	0.0514	2.5158	0.0593
GROUP 5 (No Expert)	0.3769	0.1409	0.0012	0.1747	0.3388
GROUP 6 (No Expert)	0.3816	0.1456	0.0036	0.3345	0.2827
GROUP 7 (No Expert)	0.4133	0.1708	0.0252	0.7960	0.1881 **
Strength of schema	0.4763	0.2269	0.0560	2.6779	0.0538
Need for Cognition	0.5151	0.2653	0.0385	4.2243	0.0224
Locus of Control	0.5621	0.3159	0.0506	3.9189	0.0265

* One-tailed test
 F-Ratio = 2.4476
 Degrees of freedom = 10, 53
 Probability = .0087
 Number of Cases = 64

**Expert testimony variable F(7,56)=1.6480, p=.0706

TABLE THIRTEEN

ANOVA Summary Table for: Likely Verdict on Intentional Infliction of Emotional Distress

Factor A (Fixed) - expert testimony (level 1 = expert testimony, level 2 = no expert test.)
 Factor B (Fixed) - schema strength (level 1 = weak, level 2 = strong)
 Factor C (Fixed) - need for cognition (level 1 = low, level 2 = high)

Cell Definition	N	Mean	Standard Deviation
(A) Level 1 (B) Level 1 (C) Level 1	5	7.2000	3.5637
(A) Level 1 (B) Level 1 (C) Level 2	8	4.8750	4.3239
(A) Level 1 (B) Level 2 (C) Level 1	10	7.7000	3.3015
(A) Level 1 (B) Level 2 (C) Level 2	9	7.8889	3.7565
(A) Level 2 (B) Level 1 (C) Level 1	10	5.2000	2.8983
(A) Level 2 (B) Level 1 (C) Level 2	7	2.1429	1.2150
(A) Level 2 (B) Level 2 (C) Level 1	7	7.5714	3.5523
(A) Level 2 (B) Level 2 (C) Level 2	8	6.6250	3.9619

SOURCE OF VARIATION	DF	SUM OF SQUARES	MEAN SQUARES	F	SIGNIFICANCE LEVEL*
A	1	35.8329	35.8329	3.0279	0.0436
B	1	102.6764	102.6764	8.6763	0.0023
C	1	36.0095	36.0095	3.0429	0.0433
AB (Interaction)	1	10.6546	10.6546	0.9003	0.1734
BC (Interaction)	1	20.4303	20.4303	1.7264	0.0971
AC (Interaction)	1	3.3314	3.3314	0.2815	0.2989
ABC (Interaction)	1	0.1553	0.1553	0.0131	0.4546
Error	56	662.7103	11.8341		
Total	63	871.8007			

*One-tailed test

TABLE FOURTEEN

ANOVA Cell Means for: Likely Verdict on Intentional Infliction of Emotional Distress
 (11-point scale; 11 = Plaintiff, 1 = Defendant)

	<u>WEAK SCHEMA</u>			<u>STRONG SCHEMA</u>		
	Low NFC	High NFC		Low NFC	High NFC	
Expert	7.20	4.88	5.77	7.70	7.89	7.79
	N=5	N=8		N=10	N=9	
No Expert	5.20	2.14	3.94	7.57	6.63	7.07
	N=10	N=7		N=7	N=8	
	5.87	3.60		7.65	4.36	
	4.73			7.47		

TABLE FIFTEEN

ANOVA Summary Table for: Likely Verdict on False Imprisonment

Factor A (Fixed) - expert testimony (level 1 = expert testimony, level 2 = no expert test.)
 Factor B (Fixed) - schema strength (level 1 = weak, level 2 = strong)
 Factor C (Fixed) - need for cognition (level 1 = low, level 2 = high)

<u>Cell Definition</u>	<u>N</u>	<u>Mean</u>	<u>Standard Deviation</u>
(A) Level 1 (B) Level 1 (C) Level 1	5	3.4000	1.8166
(A) Level 1 (B) Level 1 (C) Level 2	8	4.0000	3.4641
(A) Level 1 (B) Level 2 (C) Level 1	10	5.2000	3.7059
(A) Level 1 (B) Level 2 (C) Level 2	9	6.1111	4.2262
(A) Level 2 (B) Level 1 (C) Level 1	10	4.2000	3.4254
(A) Level 2 (B) Level 1 (C) Level 2	7	2.4286	2.9358
(A) Level 2 (B) Level 2 (C) Level 1	7	4.8571	3.4365
(A) Level 2 (B) Level 2 (C) Level 2	8	4.8750	3.6425

<u>SOURCE OF VARIATION</u>	<u>DF</u>	<u>SUM OF SQUARES</u>	<u>MEAN SQUARES</u>	<u>F</u>	<u>SIGNIFICANCE LEVEL*</u>
A	1	5.2773	5.2773	0.4316	0.2569
B	1	47.0048	47.0048	3.8442	0.0274
C	1	0.0562	0.0562	0.0046	0.4731
AB (Interaction)	1	0.6230	0.6230	0.0509	0.4111
BC (Interaction)	1	4.2143	4.2143	0.3447	0.2797
AC (Interaction)	1	10.1814	10.1814	0.8327	0.1827
ABC (Interaction)	1	2.0873	2.0873	0.1707	0.3405
Error	56	684.7353	12.2274		
Total	63	754.1794			

*One-tailed test

TABLE SIXTEEN

ANOVA Cell Means for: Likely Verdict on False Imprisonment
 (11-point scale; 11 = Plaintiff, 1 = Defendant)

	<u>WEAK SCHEMA</u>			<u>STRONG SCHEMA</u>		
	<u>Low NFC</u>	<u>High NFC</u>		<u>Low NFC</u>	<u>High NFC</u>	
Expert	3.40	4.00	3.77	5.20	6.11	5.63
	N=5	N=8		N=10	N=9	
No Expert	4.20	2.43	3.47	4.86	4.88	4.87
	N=10	N=7		N=7	N=8	
	3.93	3.27		5.06	5.53	
	3.60			5.30		

TABLE SEVENTEEN

ANOVA Summary Table for: Pre-Deliberation Attitude Measure

Factor A (Fixed) - expert testimony (level 1 = expert testimony, level 2 = no expert test.)

Factor B (Fixed) - schema strength (level 1 = weak, level 2 = strong)

Factor C (Fixed) - need for cognition (level 1 = low, level 2 = high)

<u>Cell Definition</u>	<u>N</u>	<u>Mean</u>	<u>Standard Deviation</u>
(A) Level 1 (B) Level 1 (C) Level 1	5	7.0000	2.9115
(A) Level 1 (B) Level 1 (C) Level 2	8	6.0000	3.7796
(A) Level 1 (B) Level 2 (C) Level 1	10	8.6000	2.7568
(A) Level 1 (B) Level 2 (C) Level 2	9	8.4444	2.8771
(A) Level 2 (B) Level 1 (C) Level 1	10	6.5000	2.7988
(A) Level 2 (B) Level 1 (C) Level 2	7	3.8571	2.9681
(A) Level 2 (B) Level 2 (C) Level 1	7	7.7143	3.5456
(A) Level 2 (B) Level 2 (C) Level 2	8	7.7500	3.3700

<u>SOURCE OF VARIATION</u>	<u>DF</u>	<u>SUM OF SQUARES</u>	<u>MEAN SQUARES</u>	<u>F</u>	<u>SIGNIFICANCE LEVEL*</u>
A	1	17.0361	17.0361	1.7444	0.0960
B	1	80.0053	80.0053	8.1920	0.0029
C	1	13.5246	13.5246	1.3848	0.1221
AB (Interaction)	1	1.0788	1.0788	0.1105	0.3704
BC (Interaction)	1	11.8565	11.8565	1.2140	0.1376
AC (Interaction)	1	2.0129	2.0129	0.2061	0.3258
ABC (Interaction)	1	3.2135	3.2135	0.3290	0.2842
Error	56	546.9079	9.7662		
Total	63	675.6356			

*One-tailed test

TABLE EIGHTEEN

ANOVA Cell Means for: Pre-Deliberation Attitude Measure
 (11-point scale; 11 = Plaintiff, 1 = Defendant)

	<u>WEAK SCHEMA</u>			<u>STRONG SCHEMA</u>		
	Low NFC	High NFC		Low NFC	Hi NFC	
Expert	7.00	6.00	6.38	8.60	8.44	8.52
	N=5	N=8		N=10	N=9	
No Expert	6.50	3.86	5.41	7.71	7.75	7.73
	N=10	N=7		N=7	N=8	
	6.67	5.00		8.23	8.12	
	5.83			8.17		

TABLE NINETEEN

Pre-deliberation ratings of experts
(n=32)

MEANS

<u>DESCRIPTION</u>	<u>DR. S</u>	<u>DR. R</u>	<u>T-VALUE</u>	<u>PROBABILITY</u>
Credible	8.59	7.40	2.13	.021
Vague	4.69	7.81	1.55	.065
Scientific	6.53	6.19	0.98	.169
Objective	5.75	5.78	0.05	.482
Biased	6.94	8.72	3.05	.002
Self-Serving	7.16	8.22	1.77	.043
Understandable	8.88	8.09	1.52	.069
Impressive	7.22	6.88	0.53	.299
Intentionally Misleading	4.84	7.44	3.48	.001
Persuasive	8.00	7.59	0.57	.288
Informative	8.69	8.06	1.52	.069

APPENDIX B: Pretest materials

PLAINTIFF ARGUMENTS

<u>MEAN</u>	<u>ARGUMENT</u>
8.31	Mail was routinely censored.
8.29	The Church attempts to exert control over the recruit's social and/or physical environment.
8.27	All information is restricted or consciously manipulated.
8.22	The Church engages in "targeting", that is, tries to recruit people who are alone, confused, or otherwise vulnerable.
8.20	The guests were monitored by somebody the entire time they were at the camp.
8.13	Eventually the program that is offered to people requires them to drop their past, their family, their career, and get totally involved in the group.
8.13	They can receive no income or possess no property, making them dependent on the organization.
8.11	The telephones often don't work, and there is usually someone monitoring the calls.
7.97	They coerce through the use of the "indemnity doctrine", which says that if the person leaves the Church, all future generations born in their family will experience bad troubles in the spirit world.
7.97	Individuals are injured psychologically as a direct result of the program of coercive persuasion, and experience guilt, problems with sexual adjustment, depression, and other emotional problems.
7.97	Individuals experience injuries in their personal lives, such as years of school missed, friends lost, relationships broken.
7.93	The Church manipulates rewards, punishments, and experiences so as to elicit the new behavior that is desired.
7.93	They use "love bombing", just bombarding people with flattery and unconditional love.
7.90	The Church manipulates rewards, punishments and experiences so as to suppress the person's old behavior.
7.88	People's ability to reason about involvement with the group is seriously undermined as a result of the thought reform program.
7.88	They were never given time to reflect on what they were doing.

- 7.81 Coercive persuasion can work even when the person is not physically restrained or threatened.
- 7.79 There is considerable deception used in the early recruiting procedure.
- 7.77 The Church keeps people in a relatively uninformed state, changes conduct a step at a time, and keeps them unaware of the changes being induced.
- 7.75 They are told about the idea of the satanic blood lineage, which says that the people in the outside world are satanic.
- 7.72 The Church attempts to create a sense of powerlessness by various social and psychological means.
- 7.70 There is considerable deception involved in the fund raising procedure.
- 7.68 The Church engages in "mirroring", which means reflecting back in words something that relates to what the person has said about themselves.
- 7.68 The process is done so subtly that the person doesn't realize it is being done to them.
- 7.61 Every minute of the day was filled with activity.
- 7.60 They make it difficult to get straight feedback, for reality testing, by saying things like "we will get to that later" and then never doing so.
- 7.50 People's ability to exercise an informed consent with respect to involvement with the group is seriously reduced as a result of the program.
- 7.40 The Church uses coercive persuasion because it is a cult, and its primary purpose is to recruit new members who will then generate more income for the Church.
- 7.38 At the dinners that potential recruits are invited to, Church members outnumber invited guests by at least a two-to-one ratio.
- 7.31 The members did not let on that they were executing a plan to see how many of the dinner guests they could get to stay, and get to go on the bus up to Camp K.
- 7.22 They give the guests free meals, to make them feel guilty and psychologically beholden.
- 7.20 When the person finally gets away from the program, they come to realize they were deceived.
- 7.15 The Church is "totalistic", which means that they take a black-and-white position toward the world and toward behavior.
- 7.06 The Church is elitist, and claims that members belong to a select, high category of people.
- 7.02 The diet that was provided emphasized vegetarian foods such as rice, broccoli, and peanut butter sandwiches.
- 7.00 The recruiting process is carried out within a closed system of logic.

- 7.00 The Church has a double set of ethical standards - one for its members, and one for the rest of the world.
- 6.97 The program of coercive persuasion or thought reform eventually makes it impossible to exercise free will.
- 6.90 The phenomenon of coercive persuasion is accepted in the scientific community, primarily as a result of the research and books of Lifton and Schein.
- 6.83 The recruiting process is carried out within a closed power structure.
- 6.74 At the dinners, the guest is met with the idea that there is total unanimity in the group.
- 6.70 No napping was permitted.
- 6.63 At the dinners, everyone was smiling and friendly.
- 6.63 People began to cry when a potential new recruit would try to leave.
- 6.60 The Church is a cult that was started by a person who proclaimed he had some special knowledge or information and who directed veneration toward himself.
- 6.13 Camp K was about 100 miles north of San Francisco.
- 6.11 The members have quotas with respect to the number of people they were supposed to recruit.
- 5.59 The hours of sleep were reduced to seven or eight.
- 4.79 At the camp, most of the people slept in sleeping bags on the floor.

DEFENSE ARGUMENTS

<u>MEAN</u>	<u>ARGUMENT</u>
7.38	We are responsible for our actions, and for the consequences of our actions.
6.86	The methodology used by Dr. S is indefensible because her sole factual basis is evidence gleaned from interviews with former Church members and their families, and she has conducted no controlled studies, there is no statistical support for any of her conclusions, and she has not even kept records of the informal interviews she conducted.
6.72	Our society is based on the idea that people have control over their minds, and can decide for themselves what to believe and what to reject.
6.61	Dr. S's testimony fails to meet basic scientific standards of reliability and validity.
6.61	Dr. S uses no control groups, and she doesn't study those who attended Church seminars but declined to join the Church, or former Church members who left the Church voluntarily.
6.47	These new religions have some important, socially significant functions in society, such as serving as halfway houses or allowing people to experiment with different lifestyles.
6.40	No statistical breakdown of the information collected in her interviews has ever been compiled and published in a reputable scientific journal. Thus, her conclusions must be taken on faith.
6.41	Most scholars have repudiated Dr.S's effort to extend the POW mind control hypothesis to the context of the new religious movements because she has exaggerated the findings of the original POW studies on the effectiveness of mind control techniques, and she has failed to account for the complete absence in the Church context of physical confinement, torture, death threats, and severe physical deprivations.
6.27	People need to develop an account, for themselves and for others, about why they joined the group, and they tend to engage in reconstruction of biography, and reinterpret what has happened to them to fit the account they have developed.
6.25	Controlled studies have demonstrated that a large majority of those who undergo the process described as coercive persuasion, even for a period of weeks, choose not to affiliate with the group.
6.20	The rates of drug use, alcohol use, and indiscriminate sex have dropped drastically in members of the Church.

- 6.20 The sources of information on which Dr. S relies are not impartial, as she relies on former church members, most of who had been forcibly removed from the Church environment, and on their family and friends.
- 6.20 Dr. S has no plausible basis for claiming a correlation between Church membership and the damage she purports to have observed. She cannot do so because she has undertaken no comparative analysis with relevant control groups.
- 6.12 From a scientific point of view, it is difficult to evaluate allegedly coercive acts by measuring their effect on some abstract human quality called free will.
- 6.11 Dr. S's theory of coercive persuasion is not generally accepted in the relevant professional literature.
- 6.09 Most of these new religious groups are quite small and tend not to grow very much over time. If coercive persuasion was effective, they would get larger and larger.
- 6.00 All available scientific evidence on this topic refutes the theory of coercive persuasion as an effective recruiting tool for new religions, and this research has been published in reputable refereed professional journals.
- 6.00 This case is a symptom of the growing tendency for people not to accept responsibility for their own actions.
- 5.86 Most people who do join the Church leave it after a period of time.
- 5.86 If you extend the plaintiff's argument, anyone who disliked drill sergeants, priests, or high pressure salesmen could accuse them of coercive persuasion and take them to court.
- 5.81 Methodologically superior studies involving both current and former Church members suggest that membership in new religious groups such as the Church tends to relieve rather than cause psychological distress.
- 5.78 Dr. S has not made an effort to respond to the enormous body of professional literature refuting her claims on the basis of alternative methods of empirical analysis.
- 5.63 They often are engaging in "conversion careers", going from one group to another.
- 5.61 Established religions often have intensive programs of religious education for their members, and threaten them with punishment such as excommunication for violation of their more serious rules.
- 5.54 Basic training in the military applies more extreme forms of persuasion than the Church does.
- 5.44 The scientific claim of coercive persuasion is little more than a negative value judgment about the religious beliefs and practices of the Church.
- 5.27 The recruiting practices used by the church are no different than the kinds of persuasion used in many common situations.

- 5.25 Dr. S's research does not demonstrate that those who join the Church are any different than those who decided not to join.
- 5.22 People who join cults, or new religious groups, tend to be in control of their lives, and are looking for purpose and meaning.
- 5.22 The kind of coercive persuasion or thought reform that the Church is accused of probably wouldn't work at the group level, because one person in the group could shatter the atmosphere by not going along with the program.
- 5.13 Existing evidence demonstrates that the qualities that dispose individuals toward joining are not qualities of vulnerability.
- 4.97 Good high pressure sales organizations are much more effective at getting people to do what they want them to do than these religious groups are.
- 4.95 Potential members often overtly negotiate with groups about the conditions that would have to be met by the group in order for them to become members.
- 4.65 It would probably only work in a prison or somewhere with 24 hour control of the environment.

APPENDIX C: Preliminary questionnaire

1: SUBJECT ID #: ____ ____ ____

NAME:

ADDRESS:

HOME PHONE #:

WORK PHONE #:

Which of the following times would you generally be able to participate?

- A. Saturdays
 - 1. Yes
 - 2. No

- B. Sundays
 - 1. Yes
 - 2. No

- C. Weekday evening
 - 1. Yes
 - 2. No

- D. Weekdays
 - 1. Yes
 - 2. No

Please answer the questions on the following pages in the order in which they are presented. Do not skip forward, or go back and change answers.

First, we would like to ask a couple of preliminary questions about yourself ... the kind of questions used to qualify jurors.

What is your age? ____ ____

Do you have a Nevada driver's license or DMV Identification card?

- 1. Yes
- 2. No

Are you registered to vote in Washoe County?

1. Yes
2. No

Are you, or anyone in your household currently serving on a jury?

1. Yes
2. No

Have you or anyone in your household been contacted for future jury duty service?

1. Yes
2. No

Have you ever been convicted of a felony?

1. Yes
2. No

What is the highest level of formal education you have completed?

- | | | | |
|-----|-----------------------|-----|---------------------------------------|
| 01. | Grade 1 - 8 | 08. | Second year of college |
| 02. | Grade 9 | 09. | Third year of college |
| 03. | Grade 10 | 10. | 4 year college degree |
| 04. | Grade 11 | 11. | Attended or completed graduate school |
| 05. | High School Grad | | |
| 06. | Technical School | | |
| 07. | First year of college | | |

What is your religious preference? _____

What is your political party affiliation?

1. Democrat
2. Republican
3. Non-Partisan
4. Libertarian
5. Other
6. None

What was your total household income for 1989 from all sources before taxes?

- | | | |
|----------------------|----------------------|----------------------|
| 01 - Under \$10,000 | 05 - \$40,000-49,999 | 09 - \$80,000-89,999 |
| 02 - \$10,000-19,999 | 06 - \$50,000-59,999 | 10 - \$90,000-99,999 |
| 03 - \$20,000-29,999 | 07 - \$60,000-69,999 | 11 - \$100,000 + |
| 04 - \$30,000-39,000 | 08 - \$70,000-79,999 | |

What was your major activity during the last week?

1. Working full-time (30 hours or more)
2. Working part-time (less than 30 hours)
3. Have a job but not at working due to illness, vacation, strike, etc.
4. Looking for work, unemployed, laid off
5. Attending school
6. Retired
7. Keeping house
8. Other

What is your current occupation? _____

Who is your current employer? _____

What is your current marital status?

1. Single, never married
2. First marriage
3. Second or later marriage
4. Living together, not married
5. Separated
6. Divorced
7. Widowed

What is your spouse's occupation? _____

Who is your spouse's employer? _____

Which of the following best describes your racial or ethnic heritage?

1. Caucasian or white
 2. Black or African American
 3. Hispanic or Spanish origin
 4. American Indian
 5. Other (Please specify)
-

How many children do you have? _____

Have you ever served on a jury in a criminal case?

1. Yes
2. No

Have you ever served on a jury in a civil case?

1. Yes
2. No

Have you ever served on a "mock jury"?

1. Yes If yes, how many times? _____
2. No

How many years have you lived in Northern Nevada?

Are you...

1. Male
2. Female

Now we would like to ask you some questions about your communication style. On the following scales, where 11=agree completely and 1=don't agree at all, please indicate the extent to which you agree or disagree by circling the appropriate number:

A. I talk a lot more than most of my friends.

11 10 9 8 7 6 5 4 3 2 1
Agree completely Don't agree at all

B. I would rather listen than speak.

11 10 9 8 7 6 5 4 3 2 1
Agree completely Don't agree at all

C. I think carefully about what I am going to say before I speak.

11 10 9 8 7 6 5 4 3 2 1
Agree completely Don't agree at all

D. I am very sensitive about using correct grammar.

11 10 9 8 7 6 5 4 3 2 1
Agree completely Don't agree at all

E. I use a lot of slang expressions when I speak.

11 10 9 8 7 6 5 4 3 2 1
Agree completely Don't agree at all

F. When I speak to more than one person at a time, I am very comfortable.

11 10 9 8 7 6 5 4 3 2 1
Agree completely Don't agree at all

F. Since the U.S. Supreme Court has left it up to each state to decide whether to allow or prohibit abortion, Nevada should have a law that allows women to choose to have abortions if they desire, and if their physician approves.

5 4 3 2 1 0 -1 -2 -3 -4 -5

Strongly agree

Strongly disagree

G. The U.S. Supreme Court has ruled that the prevailing community standard should be used to determine whether or not something is obscene. As a resident of Reno, I feel that all pornographic materials, including those involving children, are acceptable.

5 4 3 2 1 0 -1 -2 -3 -4 -5

Strongly agree

Strongly disagree

Throughout history, humans have devised many ways of communicating in order to change the attitudes, beliefs and behaviors of others. In your opinion, how likely is each of the following to bring about change in the central attitudes, beliefs and behaviors of others?

A. Subliminal persuasion
5 4 3 2 1 0 -1 -2 -3 -4 -5
.
Very likely Very unlikely

B. Rational discussion
5 4 3 2 1 0 -1 -2 -3 -4 -5
.
Very likely Very unlikely

C. Brainwashing
5 4 3 2 1 0 -1 -2 -3 -4 -5
.
Very likely Very unlikely

D. Prayer
5 4 3 2 1 0 -1 -2 -3 -4 -5
.
Very likely Very unlikely

E. Lecturing
5 4 3 2 1 0 -1 -2 -3 -4 -5
.
Very likely Very unlikely

F. Psychotherapy
5 4 3 2 1 0 -1 -2 -3 -4 -5
.
Very likely Very unlikely

G. Coercive persuasion
5 4 3 2 1 0 -1 -2 -3 -4 -5
· · · · · · · · · ·
Very likely Very unlikely

H. High pressure sales tactics
5 4 3 2 1 0 -1 -2 -3 -4 -5
· · · · · · · · · ·
Very likely Very unlikely

I. Arguing
5 4 3 2 1 0 -1 -2 -3 -4 -5
· · · · · · · · · ·
Very likely Very unlikely

J. Physical torture
5 4 3 2 1 0 -1 -2 -3 -4 -5
· · · · · · · · · ·
Very likely Very unlikely

K. Mind control
5 4 3 2 1 0 -1 -2 -3 -4 -5
· · · · · · · · · ·
Very likely Very unlikely

L. Social influence
5 4 3 2 1 0 -1 -2 -3 -4 -5
· · · · · · · · · ·
Very likely Very unlikely

In your opinion, how likely is each of the following groups or organizations to try to influence people using subliminal persuasion?

A. Judas Priest rock band

5 4 3 2 1 0 -1 -2 -3 -4 -5
.
Very likely

Very unlikely

B. Established religions

5 4 3 2 1 0 -1 -2 -3 -4 -5
.
Very likely

Very unlikely

C. Satanists

5 4 3 2 1 0 -1 -2 -3 -4 -5
.
Very likely

Very unlikely

D. Religious cults

5 4 3 2 1 0 -1 -2 -3 -4 -5
.
Very likely

Very unlikely

E. The U.S. Marines

5 4 3 2 1 0 -1 -2 -3 -4 -5
.
Very likely

Very unlikely

F. The Catholic Church

5 4 3 2 1 0 -1 -2 -3 -4 -5
.
Very likely

Very unlikely

In your opinion, how likely is each of the following groups or organizations to try to recruit new members or followers using brainwashing?

A. Judas Priest rock band

5 4 3 2 1 0 -1 -2 -3 -4 -5
.
Very likely

Very unlikely

B. Established religions

5 4 3 2 1 0 -1 -2 -3 -4 -5
.
Very likely

Very unlikely

C. Satanists

5 4 3 2 1 0 -1 -2 -3 -4 -5
.
Very likely

Very unlikely

D. Religious cults

5 4 3 2 1 0 -1 -2 -3 -4 -5
.
Very likely

Very unlikely

E. The U.S. Marines

5 4 3 2 1 0 -1 -2 -3 -4 -5
.
Very likely

Very unlikely

F. The Catholic Church

5 4 3 2 1 0 -1 -2 -3 -4 -5
.
Very likely

Very unlikely

In your opinion, how likely is each of the following groups or organizations to try to recruit new members or followers using prayer?

A. Judas Priest rock band

5 4 3 2 1 0 -1 -2 -3 -4 -5
.
Very likely

Very unlikely

B. Established religions

5 4 3 2 1 0 -1 -2 -3 -4 -5
.
Very likely

Very unlikely

C. Satanists

5 4 3 2 1 0 -1 -2 -3 -4 -5
.
Very likely

Very unlikely

D. Religious cults

5 4 3 2 1 0 -1 -2 -3 -4 -5
.
Very likely

Very unlikely

E. The U.S. Marines

5 4 3 2 1 0 -1 -2 -3 -4 -5
.
Very likely

Very unlikely

F. The Catholic Church

5 4 3 2 1 0 -1 -2 -3 -4 -5
.
Very likely

Very unlikely

In your opinion, how likely is each of the following groups or organizations to try to recruit new members or followers using lecturing?

A. Judas Priest rock band

5 4 3 2 1 0 -1 -2 -3 -4 -5
.....

Very likely

Very unlikely

B. Established religions

5 4 3 2 1 0 -1 -2 -3 -4 -5
.....

Very likely

Very unlikely

C. Satanists

5 4 3 2 1 0 -1 -2 -3 -4 -5
.....

Very likely

Very unlikely

D. Religious cults

5 4 3 2 1 0 -1 -2 -3 -4 -5
.....

Very likely

Very unlikely

E. The U.S. Marines

5 4 3 2 1 0 -1 -2 -3 -4 -5
.....

Very likely

Very unlikely

F. The Catholic Church

5 4 3 2 1 0 -1 -2 -3 -4 -5
.....

Very likely

Very unlikely

In your opinion, how likely is each of the following groups or organizations to try to recruit new members or followers using coercive persuasion?

A. Judas Priest rock band

5 4 3 2 1 0 -1 -2 -3 -4 -5
.
Very likely

Very unlikely

B. Established religions

5 4 3 2 1 0 -1 -2 -3 -4 -5
.
Very likely

Very unlikely

C. Satanists

5 4 3 2 1 0 -1 -2 -3 -4 -5
.
Very likely

Very unlikely

D. Religious cults

5 4 3 2 1 0 -1 -2 -3 -4 -5
.
Very likely

Very unlikely

E. The U.S. Marines

5 4 3 2 1 0 -1 -2 -3 -4 -5
.
Very likely

Very unlikely

F. The Catholic Church

5 4 3 2 1 0 -1 -2 -3 -4 -5
.
Very likely

Very unlikely

In your opinion, how likely is each of the following groups or organizations to try to recruit new members or followers using high pressure sales tactics?

A. Judas Priest rock band

5 4 3 2 1 0 -1 -2 -3 -4 -5
.
Very likely

Very unlikely

B. Established religions

5 4 3 2 1 0 -1 -2 -3 -4 -5
.
Very likely

Very unlikely

C. Satanists

5 4 3 2 1 0 -1 -2 -3 -4 -5
.
Very likely

Very unlikely

D. Religious cults

5 4 3 2 1 0 -1 -2 -3 -4 -5
.
Very likely

Very unlikely

E. The U.S. Marines

5 4 3 2 1 0 -1 -2 -3 -4 -5
.
Very likely

Very unlikely

F. The Catholic Church

5 4 3 2 1 0 -1 -2 -3 -4 -5
.
Very likely

Very unlikely

In your opinion, how likely is each of the following groups or organizations to try to recruit new members or followers using social influence?

A. Judas Priest rock band

5 4 3 2 1 0 -1 -2 -3 -4 -5
.....

Very likely

Very unlikely

B. Established religions

5 4 3 2 1 0 -1 -2 -3 -4 -5
.....

Very likely

Very unlikely

C. Satanists

5 4 3 2 1 0 -1 -2 -3 -4 -5
.....

Very likely

Very unlikely

D. Religious cults

5 4 3 2 1 0 -1 -2 -3 -4 -5
.....

Very likely

Very unlikely

E. The U.S. Marines

5 4 3 2 1 0 -1 -2 -3 -4 -5
.....

Very likely

Very unlikely

F. The Catholic Church

5 4 3 2 1 0 -1 -2 -3 -4 -5
.....

Very likely

Very unlikely

On the following scales, where 11=very frequently and 1=never, please indicate how frequently in the past few years you have thought about each of these topics:

A. The use of subliminal messages in rock music

11 10 9 8 7 6 5 4 3 2 1
.....
Very frequently Never

B. Punishment for violent crimes such as murder

11 10 9 8 7 6 5 4 3 2 1
.....
Very frequently Never

C. The alleged use of brainwashing by religious groups to recruit new members

11 10 9 8 7 6 5 4 3 2 1
.....
Very frequently Never

D. How to determine what is obscene and what isn't

11 10 9 8 7 6 5 4 3 2 1
.....
Very frequently Never

On the following scales, where 11=very well informed and 1=not at all informed, please indicate how informed you think you are about these topics:

A. The use of subliminal messages in rock music

11 10 9 8 7 6 5 4 3 2 1
Very well informed Not at all informed

B. The "not guilty by reason of insanity verdict"

11 10 9 8 7 6 5 4 3 2 1
Very well informed Not at all informed

C. The alleged use of brainwashing by religious groups to convert new members

11 10 9 8 7 6 5 4 3 2 1
Very well informed Not at all informed

D. Community standards for obscenity

11 10 9 8 7 6 5 4 3 2 1
Very well informed Not at all informed

On the following scales, where 11=very important and 1=not at all important, please indicate how important each of these topics is to you personally:

A. The use of subliminal messages in rock music

11 10 9 8 7 6 5 4 3 2 1
.....
Very important Not important at all

B. The "not guilty by reason of insanity verdict"

11 10 9 8 7 6 5 4 3 2 1
.....
Very important Not important at all

C. The alleged use of brainwashing by religious groups to convert new members

11 10 9 8 7 6 5 4 3 2 1
.....
Very important Not important at all

D. Community standards for obscenity

11 10 9 8 7 6 5 4 3 2 1
.....
Very important Not important at all

For each of the following items, please describe any event in your life involving that item, that has a significant impact on you:

- A. The use of subliminal messages in rock music
- B. Rape trauma syndrome
- C. The "not guilty by reason of insanity verdict"
- D. The use of brainwashing by religious groups to convert new members
- E. The abortion issue
- F. Community standards for obscenity

In the spaces below, please list any ideas you have, or facts you believe to be true about the use of subliminal messages in rock music. Please list just one thought or fact in each space.

In the spaces below, please list any ideas you have, or facts you believe to be true about the alleged use of brainwashing by religious groups to convert new members. Please list just one thought or fact in each space.

In the spaces below, please list any ideas you have, or facts you believe to be true about the prevailing community standards for obscenity. Please list just one thought or fact in each space.

(18 Item Need for Cognition Scale; Cacioppo, Petty & Kao, 1984)

Please indicate how much you agree or disagree with each of the following statements, using the scale below:

- 4 = very strong agreement
- 3 = strong agreement
- 2 = moderate agreement
- 1 = slight agreement
- 0 = neither agree nor disagree
- 1 = slight disagreement
- 2 = moderate disagreement
- 3 = strong disagreement
- 4 = very strong disagreement

I would prefer complex to simple problems.

-4 -3 -2 -1 0 1 2 3 4

very strong disagreement very strong agreement

I like to have the responsibility of handling a situation that requires a lot of thinking.

-4 -3 -2 -1 0 1 2 3 4

very strong disagreement very strong agreement

Thinking is not my idea of fun.

-4 -3 -2 -1 0 1 2 3 4

very strong disagreement very strong agreement

I would rather do something that requires little thought than something that is sure to challenge my thinking abilities.

-4 -3 -2 -1 0 1 2 3 4

very strong disagreement very strong agreement

(Rotter I-E Scale; Rotter, 1966)

This next section is to find out the way in which certain important events in our society affect different people. Each item consists of a pair of alternatives lettered a or b. Please select the one statement of each pair (and only one) which you more strongly believe to be the case as far as you are concerned. Be sure to select the one you actually believe to be more true rather than the one you think you should choose or the one you would like to be true. This is a measure of personal belief: obviously there are no right or wrong answers.

Please answer these items carefully but do not spend too much time on any one item. Be sure to find an answer for every choice. In some instances you may discover that you believe both statements or neither one. In such cases, be sure to select the one you more strongly believe to be the case as far as you are concerned. Also try to respond to each item independently when making your choice; do not be influenced by your previous choices.

- a. Children get into trouble because their parents punish them too much.
- b. The trouble with most children nowadays is that their parents are too easy with them.

- a. Many of the unhappy things in people's lives are partly due to bad luck.
- b. People's misfortunes result from the mistakes they make.

- a. One of the major reasons why we have wars is because people don't take enough interest in politics.
- b. There will always be wars, no matter how hard people try to prevent them.

- a. In the long run people get the respect they deserve in this world.
- b. Unfortunately, an individual's worth often passes unrecognized no matter how hard he tries.

- a. The idea that teachers are unfair to students is nonsense.
- b. Most students don't realize the extent to which their grades are influenced by accidental happenings.

- a. Without the right breaks one cannot be an effective leader.
- b. Capable people who fail to become leaders have not taken advantage of their opportunities.

- a. No matter how hard you try some people just don't like you.
- b. People who can't get others to like them don't understand how to get along with others.

- a. Heredity plays the major role in determining one's personality.
- b. It is one's experiences in life which determine what they're like.

- a. I have often found that what is going to happen will happen.
- b. Trusting to fate has never turned out as well for me as making a decision to take a definite course of action.

- a. In the case of the well prepared student there is rarely if ever such a thing as an unfair test.
- b. Many times exam questions tend to be so unrelated to course work that studying is really useless.

- a. Becoming a success is a matter of hard work, luck has little or nothing to do with it.
- b. Getting a good job depends mainly on being in the right place at the right time.

- a. The average citizen can have an influence in government decisions.
- b. This world is run by the few people in power, and there is not much the little guy can do about it.

- a. When I make plans, I am almost certain that I can make them work.
- b. It is not always wise to plan too far ahead because many things turn out to be a matter of good or bad fortune anyhow.

- a. There are certain people who are just no good.
- b. There is some good in everybody.

- a. In my case getting what I want has little or nothing to do with luck.
- b. Many times we might just as well decide what to do by flipping a coin.

- a. Who gets to be the boss often depends on who was lucky enough to be in the right place first.
- b. Getting people to do the right thing depends upon ability, luck has little or nothing to do with it.

- a. As far as world affairs are concerned, most of us are the victims of forces we can neither understand, nor control.
- b. By taking an active part in political and social affairs the people can control world events.

- a. Most people don't realize the extent to which their lives are controlled by accidental happenings.
- b. There really is no such thing as "luck."

- a. One should always be willing to admit mistakes.
- b. It is usually best to cover up one's mistakes.

- a. It is hard to know whether or not a person really likes you.
- b. How many friends you have depends upon how nice a person you are.

- a. In the long run the bad things that happen to us are balanced by the good ones.
- b. Most misfortunes are the result of lack of ability, ignorance, laziness, or all three.

- a. With enough effort we can wipe out political corruption.
- b. It is difficult for people to have much control over the things politicians do in office.

- a. Sometimes I can't understand how teachers arrive at the grades they give.
- b. There is a direct connection between how hard I study and the grades I get.

- a. A good leader expects people to decide for themselves what they should do.
- b. A good leader makes it clear to everybody what their jobs are.

- a. Many times I feel that I have little influence over the things that happen to me.
- b. It is impossible for me to believe that chance or luck plays an important role in my life.

- a. People are lonely because they don't try to be friendly.
- b. There's not much use in trying too hard to please people, if they like you, they like you.

- a. There is too much emphasis on athletics in high school.
- b. Team sports are an excellent way to build character.

- a. What happens to me is my own doing.
- b. Sometimes I feel that I don't have enough control over the direction my life is taking.

- a. Most of the time I can't understand why politicians behave the way they do.
- b. In the long run the people are responsible for bad government on a national as well as on a local level.

APPENDIX D: Transcripts of Summaries of Witness Testimony

This is the testimony of Doug L., who is the plaintiff in the case:

Doug's testimony began with a description of how he first got involved with the Church:

In the summer of 1979 I had just graduated from college and had arranged to go to graduate school at the University of Texas in the Fall. I spent the summer making a cross-country vacation trip with my college roommate, Bill. One day when we were in San Francisco, we were approached by a man who introduced himself as Mose D. He struck up a conversation with us, and said he was involved with something he called the "Creative Community Project", but didn't say much about the nature of the project. He was very friendly towards us, and we talked at some length about the problems of modern society. He told us that he was a teacher and also mentioned something he called "Project Volunteer" which, he said, distributed food to the needy in and around San Francisco. He gave no hint of any involvement with any religious movement.

After we had talked for some time, he volunteered to drive us around San Francisco in what he referred to as his "company car". Although I was slightly suspicious, I nevertheless accepted his offer, and we were driven to see the Golden Gate Bridge and the Art Museum. While driving us back to our car, he mentioned that he would be giving a talk later on in the evening to the group he had told us about earlier, and he invited us to go with him, saying we would be able to eat dinner for only a dollar. Bill and I were attracted by the offer of a nearly free meal, and were grateful to him for his hospitality.

We accompanied him to a house on Bush Street in San Francisco, and upon our arrival we were immediately surrounded by a group of very attentive young people. I guess I sensed a religious atmosphere, but the conversation and the lecture later on that evening didn't really talk about religion as much as their philosophy of living. It seemed to me that the lecture was very much geared to the conversation Bill and I had had with Mose earlier in the day. I also noticed that Bill and I were kept apart for most of the evening. Immediately after the talk, I was taken to Mose and he asked me if I wanted to go away with some of the residents of the house for the weekend. He told me that a number of special seminars would be given at their place in the country. I had been on religious retreats before, and got the impression that this was something similar. Since I had no immediate plans, and therefore no particular reason to refuse, I agreed to go for the weekend. It turned out that Bill had also been asked to go, and later that night we drove up to Camp K in Northern California.

They kept us busy from the time we arrived, with one activity after another. All of our activities were controlled and tightly scheduled, from the time we arose in the morning until we went to bed at night. From the moment I got out of bed, I was never left alone. An older member, Linda G., had been assigned to me and was at my side at all times, and even waited outside for me when I went to the bathroom. Although I was told that this attention was based on friendship, I wondered why they seemed to be trying to keep me away from my friend Bill. They were effective in keeping us apart, and I never had an opportunity to sit down in private with Bill and discuss what was going on, or what we thought about it. I was never allowed to do so or to communicate as I pleased, particularly with Bill because, as we were told, we were spiritually immature and could inadvertently taint one another's budding "spiritual life" by sharing "negativity".

The only information I had was whatever was given to me by the group. There were no non-Church newspapers or magazines, and no radio or television. At the beginning of the first day, I was assigned to a sub-group of eight other people, which included Linda G., the person who was assigned to me. Members of the sub-group pressured me to share the intimate aspects of my life. They said they wanted to hear the bad as well as the good, and wanted me to share my aspirations, hopes, and fears. They encouraged me to follow my sense of idealism, and to trust them and to open up so that I could become a better person and make the world a better place for everyone to live in. When I didn't share, they told me that I was insincere. When I did share, I was treated with affection and warmth, and I started to feel like I really belonged. But if I held something back, and could not be persuaded by their "love bombing", which is what they call it

when they give you huge doses of affection, they would treat me coldly and ostracize me, which made me feel like an outsider, completely alone. Along with that, the lectures were repeated over and over in the same sequence day after day. Every moment of my time was dominated by the practices and activities of the group.

The sub-group that I was assigned to met whenever there was an opportunity in between other activities. Linda G. and the other members of the group told me in many different ways to be enthusiastic, and made me feel negative and insincere if I wasn't. I was constantly told that I had a responsibility to make myself a better person in order to make the world a better place in which to live, and that in order to do so I needed the truth, and the group possessed the truth.

The focal point of the activities of each day was a series of lectures. Generally the lectures talked about man's inner potential for perfection, in accordance with God's plan for man. They also discussed man's failure to achieve perfection, and the moral and human chaos of contemporary life, which was the consequence of our own failure to become perfect. The lectures further disclosed that the remedy for this modern day chaos was the coming of a "New Truth". The only way to overcome failure and attain perfection was to work to further the purposes of the group, because it, and only it, possessed the truth.

The activities proceeded in rapid sequence each day. Information and ideas came at me so fast I didn't have time to think them through. This sequence of activities continued without interruption: sub-group meeting over breakfast, lecture, sub-group meeting, lecture, sub-group meeting, sub-group meeting over lunch, sports, sub-group meeting, lecture, sub-group meeting, sub-group meeting over dinner, group-at-large meeting, sub-group meeting, and bed. At the day's end I was emotionally high, but exhausted.

The weekend was spent mostly attending lectures interspersed with meals and songs. The lectures seemed to be based on a general humanitarian philosophy and the aim of the group was apparently to create a better world for all. Their aims seemed to be commendable. On Sunday night, at the end of the weekend, I was asked if I wanted to stay for another week. I checked with Bill and found that he had also been asked to stay. Again, since we had no firm plans, we decided to stay for another week, which was filled once more with lectures and an intense schedule of activities.

It took me several days to learn that the group was actually a religious organization, the Church:

I had been at Camp K for nine days before Reverend K's name was even mentioned, and then it was only loosely mentioned as being associated with the group that was sponsoring the workshops. I had heard of the Church before, but after spending an intense and emotional week with them, I felt they had been unjustly criticized.

I learned a lot about the Church during that period. New ideas kept coming at me with little time for reflection. I heard idealistic generalities that I could agree with, and there were new, abstract ideas from Reverend K's "Divine Principle" slipped in between them. Reverend K was the founder and head of the Church. At first I questioned much of what I was being told, but my questions were always put off and I would be told to wait until the next lecture when all would become clear. Since I was always accompanied by Linda G. or another "older" member, I had no chance to sort out or reflect on the ideas. The intensity of the experience built up until, emotionally, I snapped. The day after Reverend K's name was first mentioned, I was told that Jesus had failed to build the Kingdom of Heaven on Earth, thereby putting the burden of responsibility for success on the shoulders of my generation. When I heard that, I broke down and sobbed uncontrollably.

After the introductory phase of the indoctrination was over, the content of the lectures was almost all derived from Reverend K's book, the Divine Principle, which was like a bible to Church members. The lectures stated that since the beginning of human history, a cosmic war had been

fought between "God" and "Satan". Not only my life, but the life of all humanity and the world in general were derived from a "Satanically tainted blood lineage", and were therefore dominated and controlled by Satan, by evil. Throughout history, God had tried to liberate humankind from this Satanic domination, but without success. Things were not without hope, however, because we were currently living in the "last days" when the "Lord of the Second Advent", or "Messiah" would come to Earth. The Messiah could be recognized because he would bring a "New Truth" and would have sufficient strength to conquer and subjugate Satan on both the physical and spiritual planes.

I was told repeatedly that for me, as well as for other recruits, the only thing that could result in liberation from Satanic domination and bondage was unconditional obedience to the Messiah and uniting with God. It was explicitly stated that Reverend K was the author of the Divine Principle, and that the Divine Principle was the "New Truth". However, it was not explicitly stated that Reverend K was the Messiah. They left that up to me to discover on my own.

The logical consequence of this indoctrination was that anything contrary to Reverend K's commands was the manifestation of Satan. For example, if I questioned whether Reverend K was the Messiah, I was told that such questioning was the result of my own spiritual defectiveness and weakness because Satan was trying to take me away from God. Satan was referred to as the "Archangel of the Intellect", I was told that it was more important for me to obey the leadership than to think for myself.

We were also told that Reverend K and his wife were the "True Parents" of mankind, and that the group was our "True Family". When I asked about my own family, I was told that the family of my birth was merely my "physical family" and was of little consequence in comparison to the "Truth". I was warned that Satan liked to work through the ones that love you the most, and that the love of my physical family was derived from and dominated by Satan.

Another central belief of the Church was that there was a spirit world that people would go to after death. This spirit world consisted of different levels of relative happiness or torment. I was told that my place in the spirit world would be determined by whether I helped the Messiah when such an opportunity was presented. All of my ancestors in the spirit world were said to be depending upon my uniting with the Messiah to ensure their well-being. I began to feel guilty and uncomfortable whenever I thought about leaving the Camp.

Also, it would have been difficult to leave even if I had wanted to. While I was at Camp K, my parents left on a year-long trip to Europe. The group had made it very difficult to contact them before their departure. Linda G. had always stood by me when I attempted to telephone them, to make sure I said the appropriate thing. She did the same thing when I tried to call my girlfriend, who seemed to be very concerned about me. Sometimes they asked me to show them the letters I wrote to my girlfriend and my parents, and they told me to tone them down when they thought the content was too extreme.

After the first full week, my sub-group gathered around me one evening and told me that I was becoming an important and valued member of the group, and that they wanted me to stay for at least two more weeks, so that I could learn more about the Church and help them in their battle against satanic domination in the world. By that time I had begun to feel that the Church had the answers to some of my questions, so I agreed to stay even though I had not considered it earlier. I felt as if I were someone else when I agreed to stay, as if my old self was disappearing and a new self emerging in its place. I didn't talk to Bill before making my decision, but I soon learned that he too had decided to stay.

During those weeks, although I was experiencing an incredible emotional high, I still had no intention of committing my life to the Church; I planned to spend three or four weeks with them, and then go off to graduate school in the Fall as I had planned earlier. However, I became more

and more involved. In retrospect, I think this was because they provided the only available reality and belief system available to me. The more complete my isolation from other environments, people, and belief systems, the more totally I came to adopt the group's view of reality. I became dependent on the Church for what they conditioned me to believe was my spiritual well-being.

After three weeks at Camp K, my friend Bill's parents came and took him away. Later that weekend I went into San Francisco with a number of people from Camp K to start "actionizing", that is, putting the Divine Principle into action. I spent my time selling flowers and attempting to recruit new members, and worked at a Church art gallery. I was told by Mose and his wife that Bill was trying to find me, but that he was Satanic because he had been deprogrammed and brainwashed, and that I should avoid him if I ran into him. Because Bill was looking for me, I was told to go to Los Angeles and change my name. Following their instructions, I went to Los Angeles and changed my name to Joseph Armstrong and worked there for about three weeks at a carpet cleaning company owned by the Church. After three weeks I was told that I could return to San Francisco, and from there I went to Camp B, another Church training camp that was also a farm, located north of San Francisco.

When I arrived at Camp B, I was told that my girlfriend would be coming to visit me. I was not allowed to meet her at the airport, and was taken from Camp B to Camp K. My girlfriend arrived in San Francisco, and they sent someone to pick her up, but she did not want to come to the camp. After I had made four or five telephone calls to her, my father came on the line. My immediate reaction was that it could not be my father because I had come to believe that Mose was my "spiritual father" because he had been responsible for getting me into the Church. However, I talked to my father and he agreed to visit me the next day, along with my mother and girlfriend. They stayed for the whole day, and I talked to them at length about the meaning of the Divine Principle. We were constantly interrupted in our conversation by one of the group leaders, who kept trying to answer the questions that my father had put to me.

On the following day, Sunday, my parents and girlfriend came back. We talked further and my father urged me to go and have dinner with them and prove that I was free to do as I pleased. Because Mose had told me that I would die spiritually if I went with them, I refused at first to go. However, the longer I talked to my parents, the more I began to waver, and was then told to go talk to Noah, another of the leaders. He gave me a pep talk and told me I was not to go. He said that my ancestors would be grateful if I refused to go, and that my parents would understand later on, and that the Church would be very proud of me. After talking to Noah, I felt stronger, although somewhat confused, and I refused to go; my parents and girlfriend then returned to San Francisco.

Over the next six months or so, whenever I attempted to telephone my girlfriend I would always be told by Linda G. or another member to wait a while. When I did finally manage to talk to her, there was always someone with me.

The rest of the period until the end of 1979 was spent fundraising and selling artwork in California. In January 1980 I spent time recruiting and doing more fundraising in the city. It was around that time that I actually decided to join the Church, and I became a member in February, 1980.

Then, in the late Spring and Summer of 1980 I went all over the southwest of America selling flowers on a mobile fundraising team. I learned the selling techniques from a number of more experienced members. When I sold, I never told anyone that the money was going to the Church. I had been encouraged to deceive and lie, and when someone would ask if the money was for the Church, I would try to make a joke of it. For the most part, I would say I was from Ned's Flower Shop.

When recruiting, I would never mention the name of the Church, or of Reverend K, and would only say things that I thought would directly appeal to the potential recruit. I used to say, for example, that I was part of an artistic community, an international community, a social and religious community, or a professional community, and used to tell the potential recruits as little as possible about the weekends at Camp K or Camp B.

My father came to see me again about three months after I had joined the Church, but I was urged not to see him; when I did see him, it was only on Church territory. He tried to make me question what I was doing, as he had on his first visit, but he made no impact on me this time.

In the fall of 1980, I was sent to Calgary in Canada to sell artwork. One of the reasons I was sent away was so that my parents could not find me. A group of about six of us bought an art gallery in Calgary and sold artwork in Calgary and the surrounding area. The business was extremely lucrative and we bought a house in Calgary and a picture framing business in California. Throughout the period I was with the Church, I worked long, hard hours and was paid nothing. I estimate that during the months I worked for the Church, I brought in about \$75,000 selling art and other products.

With the exception of ten to twenty dollars per day each of us was allowed for gas and food, all the money went to the Church organization in the U.S. I was instructed to tell no one in Canada that I had anything to do with the Church. I was also told that our lucrative business in Calgary supported the Church in San Francisco, which had at any one time between 70 and 250 members. I was also told that all the money collected on the streets in San Francisco went straight to Church headquarters.

While in the Church I was taught mind control methods, such as techniques of "thought stopping" and techniques to help me immediately recall the fear of being possessed by Satan. I was told, however, only to exercise mind control when I was confronted by people who were less than open-minded, that is, by non-members. My whole lifestyle in the Church involved constant physical and emotional stress. I was compelled to look happy and to smile the whole time while terrible tensions built up internally. I saw these tensions cause lots of accidents among members; for example, three friends of mine were killed in traffic accidents, and I heard of numerous other accidents. The physical stresses also are manifested in severe headaches, backaches, cramps and hormonal changes. Medical treatment was usually denied to members, although it could well have been afforded. Once, when I contracted bronchitis in Calgary, I interpreted my illness as being a form of "indemnity", and therefore good for me.

And always, there was a sharp and clear line drawn between members, who will be saved because they are ultimately good, and those who would be damned to hell because they are evil, that is, non-members. This line of reasoning helped to separate me from the rest of the world out of fear and arrogance--fear of becoming one of those doomed to hell, and arrogance arising from the certainty that I was one of God's new-age saints.

In August of 1981 I returned to San Francisco where I did some more recruiting, and went back to Camp K. I usually recruited with a big, hefty guy who had been in the Church much longer than I had. We used to joke about him being my bodyguard, and I believe that the choice of him as my companion had been quite deliberate, to prevent my parents from trying to capture me and take me away from the group. In October 1981, after a short time back at Camp K, I was sent once again to Calgary. In November of that year, three Church members were killed when their van was involved in an accident while driving from San Francisco to Calgary. The van was carrying some mail meant for the members in Calgary, so the authorities immediately realized that there were Church members up there. As a result of this, my parents discovered where I was, and contacted the Church in California, saying they wanted to see me.

I wanted very much to see them at that time, but I was not allowed to, and was told to make excuses to them about being too busy. However, since they had learned I was in Calgary, they

arranged to recapture, or rescue me and have me "deprogrammed". I was recaptured one day just as I had parked my van and stepped into an empty parking lot in Calgary. They took me to a motel first, and then we drove back across the border to the U.S. At that time, I was extremely angry, and considered a number of choices--to be silent, to attack them and escape, or to fake being deprogrammed and then escape.

All the time I had been in the Church I had been told that deprogramming would mean being starved, deprived of sleep, seduced, locked up and brainwashed, and other terrible things, but the experience was nothing like that. On the contrary, I was cared for by loving people. Initially, my father had booked flights to Washington, D.C. to take me to a rehabilitation center in West Virginia where I was to go through the deprogramming, but then he changed the flights to direct ones to West Virginia, because he had learned that the Church had sent members to wait at the Washington airport.

I spent about one month at the rehabilitation center. When I came out, I went directly to New York to the Church headquarters and asked to see a couple of people I knew. I was told that it was in my best interests to leave, and have no further contact with the Church.

I strongly believe that the Church's recruiting practices caused me to join and stay with the Church against my will. Before I went to that first meeting at the Church Center in San Francisco, my only goal in life was to go to graduate school in the fall. I certainly had no intention of joining any religious cult, and the idea of devoting my life to the Church or any other organization like that was out of the question. The best way I can describe what happened is that I felt like I was sinking into quicksand, psychologically, from the very moment I met Mose, and it just kept getting harder and harder to pull myself out. Sometimes I could see what was happening, but when I tried to resist, someone always came up with an argument or an activity or a lecture, or they made me feel bad or guilty and I just couldn't seem to keep myself together.

It was only after I went through the deprogramming that I saw how thoroughly they had manipulated and brainwashed me with their program.

As a result of being coerced to join and stay with the Church during those two and a half years I suffered a number of damages. First, I lost nearly three years of my life, and I have nothing to show for them. I could have completed graduate school and started working with a good company like all of my friends did. Now they are all way ahead of me. I don't really even have any of my old friends anymore; we just drifted apart. I also lost my girlfriend. After the first year or so she started seeing someone else and now she is married. Emotionally, I am still devastated. My concentration is shot, and I don't seem to be able to get excited about going to school or getting a job. I have been living with my parents and I can see that they were hurt alot by what happened too. I have been in therapy since the deprogramming, and it is only now, after about two years, that I can sleep well and get through the day without using the tranquilizers the doctor prescribed.

Now I will read the testimony of Linda G., a defendant in the case:

Linda began by testifying about how she first became involved with the Church:

I am currently a member of the Church, and have been for about thirteen years, since 1970. In 1968, two years before I joined I was beginning the first year of a master's program in philosophy. I had received a scholarship, and also a student loan, so I wasn't working then. During Spring break I took a trip up to San Francisco, which I had never done before. I had lived in the mid-west all of my life before moving to Santa Barbara to attend graduate school. While in San Francisco I met a few Church members, and I instantly felt that they were people who saw the world the way I did. I knew nothing about the Church itself at that time. Anyway, they showed me some of the things they were doing, like Project Volunteer and its food distribution program, and I stayed for dinner and a lecture. I had to go back to school, however, so I didn't stay any longer, but I got the address and telephone number.

About a year later, when I had finished my master's program, I was preparing to return to the east coast, but the bus trip I was going to take was delayed three days. I decided to visit the Church center in San Francisco and see what they were up to, because their loving, sharing, concerned attitude had really impressed me the first time I was there, and I was interested in finding a way to use my degree that would be satisfying to me. I had talked to many job recruiters, but I was turned off by that whole attitude that a lot of corporations have. I felt that there was a lot of suffering in the world, and that if people would just try to live by a few basic principles, life could be much better. Unfortunately, there aren't many people in the world that feel the same way. So I thought it would be refreshing to visit the center.

After spending two days there, I was really excited about what I had seen and heard, and decided to go to a two day workshop at Camp K. That workshop went well, and I was learning a lot of things about problem solving that I had never heard discussed in school, so I decided to stay for the seven day workshop. After that, I stayed around and started to help out with the work, and eventually I joined the Church. I have never regretted that decision. Since I joined the Church, I have been happier than ever before in my life, and I feel a lot healthier and less stressed than before.

During my first year, I did a lot of different things. I was helping out with the workshops, I helped out on the farm at Camp B, I worked on Project Volunteer, and I was doing some witnessing in San Francisco; that is, I was telling people at group lectures about how much my life had changed for the better since joining the Church.

I really felt that my work with the Church was a good way to apply what I had learned in school. When I was 17, I was a very strong Christian, and I had a very intense experience where I was reborn. I remained a very strong Christian for about two years, but after I had been at college for a while, I felt that I couldn't find certain answers to questions about relationships between people, or about the big problems in life, and that's why I got interested in studying philosophy. I worked with people who had various kinds of problems, and I worked in a counseling center for a while, and did all I could to try to understand things. But it was only after I joined the Church that I could combine my past religious experiences with my interest in philosophy and education. In the Church, I always had the opportunity to apply what I knew in ways that I felt good about. From the beginning of my association with the Church, I felt that God was guiding me, and telling me this was what I should do.

My parents didn't react too badly to the fact that I had joined the Church. They weren't crazy about it, but they accepted the fact that I had joined, and they talked to a lot of the members and leaders of the Church and seemed to be satisfied that I was OK.

Linda was then asked about her recollection of Doug L., who joined the Church in the summer of 1979. Linda testified:

I was living at the Church Center in San Francisco at that time, along with 15 to 25 others. The living conditions were comfortable, with some couples living together, and single men and single women living separately. There were also people who came to the center in the daytime, but who went home at night. Doug came to one of our dinners, and I came to know him quite well. I'm not sure, but I think Mose had met him earlier that day, and had invited him.

Right then, I was working as what you would call a full time missionary. I was helping to organize interdenominational conferences for ministers and other clergy of the Church. I was doing it as voluntary work, as I am now. I wasn't being paid, although the Church provided all of my living expenses. I have always had whatever I needed while with the Church, and that is how I want to live. I have never been comfortable with the idea of spending my life earning money so I can collect a lot of material things, and most of the people who get into the Church feel the same way.

I remember being surprised when I heard that Doug had left the Church. I recall that he was quite happy while he was with us, but I heard that his parents kidnapped him when he was up in Calgary. I don't know why they did that. I know that kidnappings of Church members by their families were pretty common around that time, and a lot of very negative press attention was focused on the Church. A lot of parents heard stories in the media that were very negative and very biased, and I think that they were scared and influenced by those stories. I think they acted in a very immature and paranoid way, and they weren't being reasonable at all. They were allowing their own desires and beliefs to influence them and they tried to control Doug's beliefs. I do know that Doug never talked to me about wanting to leave the Church. He was one of our most enthusiastic members, and he was really good at bringing new members in.

Linda testified that, in her experience, it isn't the policy of the Church to prevent members or potential members from having contact with their friends or families. She said:

I personally continually had contact with my parents, that is, when I wanted to; I made my own decisions about whether to see them or not. And as far as Doug, no one ever prevented him from contacting his parents or family. We did take measures to try to prevent people from spreading erroneous information about the Church, though. As I said before, the media reported every rumor that came around, and that had a real bad impact on us, on our reputation. So we always let the potential new members know that we were concerned about people only hearing the truth about the Church.

The Church didn't ever prevent Doug from having contact with the outside in any way. However, I think the Church was and is very concerned about what parents might do or think, because they don't always accept that their child might be doing something they wouldn't do themselves. I mean, there has been a lot of friction because suddenly parents see their children become very involved, very committed, very dedicated, and sometimes they cannot understand that commitment, that dedication.

But his parents did have a chance to visit him at Camp K when he first went up there. They came to visit, and so did his girlfriend. They spent two or three days up there, but I think it was quite emotional for all of them. I was with Doug during most of that time, and I knew that he was afraid that they had come up to try to take him away. At that point, I felt that he was just starting to break away from their influence, which had been dominating his life even though he had graduated from college. They didn't take him seriously, and never tried to see things from his point of view. I think that he felt stronger when I was around, and I sensed that he needed someone to help him withstand the pressure to go back to a life that he was very unhappy with. I think he loved his parents, but he was very critical of them, and we often talked about how similar our parents were. Anyway, when they came to visit, I guess they felt that they were restricted in some ways, because they weren't really free to see Doug whenever they wanted to. And that

was true to a certain extent; but it wasn't because the Church had some plan to keep them apart. It was because Doug had come to feel like part of the group, and wasn't that excited about spending a lot of time with his parents and his ex-girlfriend.

Linda was asked whether there was a systematic program of thought reform that she and the others had laid out that would make Doug or someone like him join the Church against their will. She responded:

I know that is how the press talks about it, with all the stuff about brainwashing, but it isn't anything like that. We are basically a religious community, and we want to grow and spread the word. We also want to do the work that we believe God has set out for us. Those objectives pretty much determine our activities, just as they have always determined the activities of religious communities. There are so many people who are searching for a way of life that will be satisfying to them, that will give them some identity that they are comfortable with. We try to create a place where those people can come, and can learn about what our beliefs are. The workshop system was set up as a way to introduce people to the theology of the Church, to its mission, to Reverend K's mission, and the workshops attract and inspire a lot of people about our ideals and how they can help to bring about a better world. But that doesn't mean the Church uses a thought reform program; if it does, I was thought reformed in school and in church and at home all the time I was growing up. And I was a lot more vulnerable then, because I was younger.

I am aware that Doug is accusing the Church of brainwashing him, but I honestly don't know why he thinks that. I think probably that he has brainwashing confused with learning, or with growing spiritually, and now that his parents have made him feel guilty about not following their beliefs, he just needs an excuse for doing what he did during those years.

I have been accused of engaging in activities with Doug that might be called brainwashing, but of course I didn't. I think he has confused the process of religious conversion with brainwashing. What happens with us is the same thing that happens in almost every religious community. We want people to adopt our belief system, and we tell them in as many ways as we can what that system is and how it is to be carried out. No community can survive if everyone just does and thinks what they want to, so we have rules in order to survive. And we try to create a situation where people can experience a conversion. A lot of Christian churches have that too, you know. They have some kind of experience with the holy spirit, and they start to talk and think in different ways, to talk about Jesus and about love and about the brothers and the sisters and so on. It's very similar to that. It was like that for me, and it was like that for Doug, from what I saw, which was quite a lot.

It isn't true that most people who join a church take years to do so, if they haven't grown up with it. Sometimes conversion is very sudden. A friend of mine who is a minister now was in jail for armed robbery, and he had a conversion experience, and he became a strong Christian and a minister. And look at St. Paul in the Bible. Conversion can happen very fast.

Linda was asked whether Doug was told that the group was a religious organization before he went to Camp K. She responded:

I don't know for sure; I don't think I told him though. One of the things we have learned is that a lot of people are totally turned off by organized religion, even if they are really interested in spiritual things. People are interested in the ideas, but they have been so disappointed by organized religion that they have grown up with or whatever, that their minds are closed about church. And we want them to hear our ideas with an open mind, so we tell them the ideas first, and then when they see that the ideas make sense, we say, see, this is a Church that you can learn from. We aren't doing it to be deceptive. We are doing it because we always want to put our best foot forward. The first impression is the most important one. Also, there had been a

tremendous amount of negative and misleading publicity about the Church at that time, so that was another reason we didn't immediately identify the group.

I know that people accuse the Church of using thought reform or brainwashing techniques at the dinners at the center when potential converts are invited over. But that isn't brainwashing, unless you call showing that you love and care for someone brainwashing. Once again, we are a religious community, and our community is founded on the idea that love is the central force in life. Many of the people who come to the dinners have never felt true unconditional love before, and we want them to experience it. Doug thinks that we were trying to brainwash him when we were "love bombing" him, but that was not our intent; sure, we wanted him to join us, but there isn't anything wrong with being friendly when you are trying to make friends. We try to be that way all the time, and those of us who have been with the Church for years are, for the most part, happier and friendlier than most people you will meet.

We also have been accused of having devious reasons for taking potential new members to Camp K in the remote countryside for the workshops. The main reason the workshops are held there rather than in the city is that it is peaceful and quiet at Camp K, and we can enjoy the pleasant surroundings while we do the Church's work. Anyone who has ever been to a weekend retreat, whether for religious or business reasons, knows what a difference it makes to get away to a secluded place.

I want to emphasize that no one is ever forced to go to the camp, or to stay there once they arrive. The whole thing is completely voluntary; anyone who wants to leave early can just walk out the gate, or we will give them a ride to the local bus station, which has buses leaving for San Francisco every day.

As far as Doug's accusation that he wasn't allowed to communicate with his friend Bill while they were at Camp K, there are no rules preventing friends from talking to each other, and neither I nor anyone else ever told Bill and Doug not to converse. The main reason that people sometimes feel they don't have enough opportunity to communicate with each other is that the day is filled with activities that generally preclude casual conversation. Obviously, while lectures or sub-group meetings are going on, casual conversation is not appropriate, and that is what we do most of the time up there. That is why we go there. And, I don't think that it is a bad thing that new people don't get too much opportunity to talk to each other, particularly if one of the people is a very negative type of person, as Doug's friend Bill was. We realized almost from the start that Bill was not interested in what we were doing, and that he had absolutely no interest in making positive changes in his life; Doug, on the other hand, seemed to be fascinated with what we were doing right from the start. I think Bill only stayed around as long as he did because he had a lot of personal problems and was using the Church to avoid facing them.

Linda was also asked about Doug's accusation that she or someone else was around him all the time, including when he went to the restroom or made telephone calls. She responded:

Maybe it seems like that to Doug now, but in the situation we were in, it was just a matter of being together during activities, and having nowhere else to go. If you spend a day with a friend, go to a movie or whatever, and that person goes into the restroom or makes a phone call from a public phone, you just naturally wait nearby because you are together and it doesn't make sense to go far away. Obviously, I didn't go into the restroom with him, and only stood nearby sometimes when he made telephone calls. There was no time, by the way, that Doug indicated to me that he wanted me to go away, and there were many occasions when he would approach me, or would initiate conversation. He was a very friendly, very sociable person, and not the type to want to be alone.

I know that Doug also complained that there are no non-Church books and magazines at the Camp, and no access to television and radio. Well, once again, we are a religious community and we want to share our ideas. It's not that non-church materials are forbidden; there is no such

rule. We just tend not to buy other magazines or books, because we are more interested in the Church activities. And we feel that watching television is a complete waste of time, with all the other things that need to be done. Also, I think that it is pretty typical of a retreat atmosphere of any religious group to try to limit the distractions.

The same reasoning lies behind our response to the complaint that the workshops at Camp K involve non-stop activities that allow people no time to themselves. The only reason for that is that we feel that time is precious and we have an awful lot to do. Most of us are very committed to the Church, so I guess it doesn't seem like such a rigorous schedule. We are just doing what we want to do. And by the way, we don't make any secret of what we are doing. I told Doug right at the beginning, at the first dinner, that the workshops were intensive experiences designed to teach a lot about our beliefs in a short time. At that time, he seemed excited about the prospect of being involved in something challenging, which the workshops are. We also make it clear that we are dedicated to reaching certain goals, that we devote our lives to those objectives, and that we want capable people like Doug to join us. Nothing could be more obvious to the people who visit us.

Finally, Linda was asked why Church members are taught mind control techniques, such as thought stopping. She replied:

Those are taught basically as self-help techniques, and they are not unique to the Church. Thought stopping, along with visualization and positive thinking are taught in most of the groups in the human potential movement. Their purpose is to teach people how to keep a positive attitude in the midst of a lot of negative influences; they are the opposite of brainwashing in the sense that they give people more, rather than less control over their thoughts.

This is the testimony of Dr. S., an expert witness testifying on behalf of the plaintiff.

Q. Dr. S, could you tell us about your background?

A. I am a licensed clinical psychologist and an Adjunct Professor in the Department of Psychology at the University of California, Berkeley, as well as in the private practice of psychology. I have been a practicing psychologist, teacher and researcher for over forty years. One area of specialization is the analysis of mental disorders, based on the American Psychiatric Association's DSM-3, the Diagnostic and Statistical Manual of Mental Disorders. I am a former president of the American Psychosomatic Society, and the recipient of numerous awards in my field, including the Leo J. Ryan Memorial Award for research on cults. I worked at the Walter Reed Army Institute of Research in Washington, D.C. from 1952 to 1958. A major portion of my work at that time was with Doctors Edgar Schein and Robert Lifton and others at Walter Reed studying the effects of thought reform programs on American military personnel as seen at repatriation. Later, Dr. Schein and I collaborated in a follow-up study of former prisoners of war to assess their functioning five years after repatriation. As part of this latter work, I interviewed a series of civilian internees who had been exposed to thought reform programs in mainland China. Since that time I have continued to study persons who have been subjected to coordinated programs of coercive influence and behavior control as these social and psychological influence programs have evolved over the years.

I have included material about thought reform in many university courses I have taught since 1964. Since 1978 I have also taught courses on the diagnosis of mental disorders to approximately five thousand professionals and trainees. In each of these courses on diagnosis I have included a basic overview of thought reform programs. I have lectured on aspects of thought reform programs in the United States and abroad on approximately one hundred occasions at various professional meetings, including invited addresses to the American Psychological Association, the American Psychiatric Association, the American Sociological Association, and the Society for Clinical Experimental Hypnosis, as well as to various law enforcement agencies and other organizations. I have been qualified as an expert witness in State and Federal Courts in California, Oregon, West Virginia, District of Columbia, Pennsylvania, and the Queen's High Court in London.

Q. What kind of research have you done in the area of cults?

A. I have at this point interviewed approximately 3,000 people that have been in various of the new religious movements, or cults, and 270 of those 3,000 people were present or former members of the Church.

Q. And have you lectured or put on seminars or workshops about cults?

A. Yes, I have lectured in many cities in the U.S., as well as in Europe and South America, on both cults and thought reform. Almost all of these have been presented to professionals, such as psychologists and psychiatrists.

Q. And have you published anything in that area?

A. I have about eight papers on cults or thought reform programs and their effects on people.

Q. Have you become professionally familiar with an organization known as the Church?

A. Yes, as I said, I have interviewed 270 present or former members of the Church.

- Q. Based on your research and studies, what conclusions, if any, did you reach as to why people join cults?
- A. My research over the years has convinced me that many people are unwittingly coerced into joining, as a result of well planned programs of thought reform that are conducted by the cults. That is the only way to explain why people would join groups like that, and then suffer such personal damages as a result. If their free will was intact, they never would have joined.
- Q. You generally refer to the practices used by new religions such as the Church as thought reform. Is that the same as brainwashing?
- A. Yes, brainwashing is the popular term that has been used by journalists, and the ordinary person generally uses the term brainwashing. The classic term in the psychiatric and psychological literature is a thought reform program, and that comes from the Chinese terms that were translated. There is another term, coercive persuasion, which is also in use; but whether we are talking about brainwashing, or thought reform, or coercive persuasion, we are talking about basically the same thing.
- Q. Can you tell us, based on your experience with Korean War POW's and your other research, what thought reform is?
- A. Well, thought reform is a category of programs that are carried out by a person or organization in order to get control over the decision-making and the thinking processes of individuals in order to get as many of those individuals as possible to change their thinking and their behavior and become deployable agents of the people running the thought reform program.
- Q. What do you mean by deployable agent?
- A. Somebody that the manager can send out. Salespeople are deployable because the manager sends them out to different territories or different places. It is one of those academic terms, and it means that the people who were persuaded in a thought reform program can be sent out to do the business of the management of the organization.
- Q. Is the area of thought reform an area that is accepted in the scientific community?
- A. Yes, it is. People who accept that the phenomenon of thought reform exists include Robert Lifton, who wrote the first important book in the field in the early 1960's. It was followed by a book called Coercive Persuasion written by Edward Schein, and another written by Hinkel and Wolff on thought reform, and more recently Professor Ofshe, a sociologist at the University of California, Berkeley, and I have published an article updating the study of thought reform. But it is the work of Lifton and Schein, along with the interviews that I have personally conducted, that provides the theoretical basis for my own opinions on the subject of thought reform.
- Q. What are the specific characteristics of a thought reform program?
- A. Thought reform is a behavioral technology designed to change people's beliefs and behaviors, and there are specific conditions that need to be present to conduct a successful thought reform program.
- Q. What are those conditions?

A. There are six conditions that must be present. First, the person or persons conducting the program need to get control over the person's social and/or physical environment, especially by achieving control over the person's time.

Secondly, to carry out a thought reform program it's necessary to create a sense of powerlessness in people by various social and psychological means.

Thirdly, to conduct a thought reform program one manipulates rewards, punishments, and experiences in such a way as to suppress the old behavior of the person.

Fourth, it's necessary for the persons carrying out the program to manipulate the rewards, punishments, and experiences in such a way as to elicit the new behavior that the leaders of the organization desire.

Fifth, thought reform must be carried out within a closed system. It must be a closed system of logic in the sense that criticism from the bottom up is not heeded, and it's closed from the top down in the sense that the power structure is usually a pyramid-shaped one.

Finally, the thought reform program depends on the people being kept in a relatively to totally uninformed state, and their conduct is usually changed a step at a time, and in such a way that the people are unaware of the changes being induced.

Q. Do all of those conditions need to be present for the program to succeed?

A. Yes, they do.

Q. Is thought reform possible in a situation in which the person is not physically restrained or threatened?

A. Yes, it is possible and it happens all the time in these cults.

Q. You mentioned, with respect to your area of special interest, that you have studied thought reform as it relates to cults. Do you have a definition for cults?

A. Yes. My definition is a fairly accepted one. Cults are started by a person who proclaims that they have some special knowledge or information, and once they get some followers, after making the self-proclaimed statement that they are to be followed, they direct the veneration of the members toward them rather than toward God or other abstract principles. Most of the modern cults have two primary purposes, fund raising and recruiting new members.

Most of the modern-day cults have a double set of ethical standards in which members are supposed to tell the truth within the organization, but are taught that anybody who is not a member of the cultic organization is a lesser person and can be deceived. Most of today's cults are elitist, and claim that members belong to a select, high category of people. Most are authoritarian in structure, with the power structure centered on one person at the top, who generally has a few close assistants. And most of the cults are totalistic, which means that they take a black-and-white, all-or-none position toward the world and toward behavior. They have rules for almost every aspect of conduct.

Q. Does the Church organization fall within your definition of a cult?

A. It does, and it has been so described by many professionals and others.

Q. What is the basis of your opinion that the Church is a cult?

A. My opinion is based upon the 270 Church members I have interviewed, as well as over 26 books I have read describing the behavior of the Church, which were written either by professionals or former members. All of the people I interviewed had been recruited into the Church, and had a variety of experiences. Some of them had been lecturers within the organization, some had been short-term members, some had been long-term members, some had been forcibly removed by their parents, some had left voluntarily, and some were still in the group. Probably about 75 percent had been forcibly removed from the organization by their parents or spouses.

Q. Can you tell us the significance of the term "targeting?"

A. Yes. The organization trains the members who will be out on the street recruiting what they should look for in recruits. What are the features that you should look for? From the interviews I conducted, and from my reading, I have found the following criteria generally applied: Recruiters are instructed to look for lonely people, or for people who have backpacks and may be on the road from one place to another, or who may be depressed or vulnerable in some other way. They are told to go to bus stations and other places where young adults in transit might go. Sometimes they go to youth hostels in cities, where young Americans as well as foreign youth might seek shelter for a low cost.

The under-thirty crowd tends to be the most frequently targeted group because they are out on the street. Some recruiters had been instructed to go near the counseling services on college campuses where they would be likely to find people who were depressed or lonely, and who would thus be more susceptible.

Q. What is the meaning of the term "mirroring?"

A. Mirroring is done to establish a sense of commonality between the recruiter and the potential member. Mirroring means reflecting back in words something that relates to what the person has said about themselves. The recruiter indicates, not necessarily truthfully, that the group has members who share some common trait or experience with the person. For example, the recruiter says, "Are you new to Berkeley?" and the person says "Yes." And then the recruiter will say something like "Well, I'm new here too." It is a very powerful psychological technique. The person feels more relaxed, more trusting, if it is used.

Q. With respect to your knowledge and research concerning the Church, do you have an opinion as to whether or not their techniques are up-front or deceptive?

A. Yes. The techniques are deceptive. From a psychological standpoint, mirroring is deceptive. It is based on the street recruiter presenting an image that is not really a straightforward one. People who ask if the organization is a religious one are told that it is not.

The whole early induction procedure suggests that there is considerable deception involved, as does the fund raising procedure. People have told me that they would say almost anything to get money. They would say they were fund raising for a black youth organization if they approached a black. If they were approaching an old lady, it would be to start a home for the aged. The deception is quite rampant, and has the effect of getting people to make donations they might not otherwise make, and to go to the group home for dinner or for lectures or for workshops, to take the first step.

Q. What kind of deceptive procedures are used at the dinners and workshops?

A. There are several. When the person showed up at the house to which they had been invited, they were never aware that there was usually at least a two-to-one ratio of Church members in relation to invited guests.

Former members have described to me how the seating arrangement was arranged so that Church members would be on each side of, and across the table from the new potential recruit so that the person couldn't talk to other non-members. The person is met with the idea that there is total unanimity. Everyone was smiling and friendly, and there was no awareness that everyone's behavior at that first dinner was being totally controlled and orchestrated, that the members were executing a plan to see how many of the dinner guests they could get to stay and get on a bus and be taken up to one of the camps in northern California.

Q. What kind of psychological techniques are used in order to induce the target to get on the bus to go up to the camp?

A. Any kind of persuasion technique that is possible. A number of young men have told me that the women who had recruited them on the street acted very seductively toward them and indicated that they were interested in them in a sort of sexual and flirtatious way. I have been told that people began to cry when the new potential recruit tried to leave. A young woman would cry and say "Oh, I was so hoping you would go to the camp." They do everything they can to appeal to the person's guilt.

There is another psychological technique. Once you give somebody something, like a free meal, then the recipient of the gift is somewhat beholden to the giver. So they feel a little guilty about not doing the next thing, going to the camp.

Q. Who is it that practices the deception?

A. Primarily, it is the Church members who have already been through this same series of events themselves and who ended up staying with the organization.

Q. Were there quotas with respect to the number of people they were supposed to recruit?

A. I was told that they each were to try to get three spiritual children, who would not only come to dinner and then go to the weekend workshop at the camp, but stay on and become a member.

Q. Can you describe in psychological terms what happens to the people who are deceived into attending these camps?

A. They are taken up by bus, usually at night after dinner, to the camp which is about 100 miles north of San Francisco. Most of them slept in sleeping bags on the floor. Their total time, for either the two-day or the seven-day workshop, was monitored by somebody, often the person who had invited them home for dinner. When they went to the bathroom, someone stayed with them, and they were never alone. They were never given time to reflect on what they were doing and they were not allowed to talk to other new recruits, although they weren't aware of that at the time. It was a tightly orchestrated program, and every minute of the day was filled with activity. The recruits are bombarded with information coming at them in lectures, with people always hugging them, always being involved in some sport or recreational activity.

Q. Psychologically, what is the effect of that kind of constant activity?

A. We know that psychologically it prevents people from really being able to reflect upon what they are doing, and they have no other information than what is being provided them by the people surrounding them.

Q. And is the information that is being presented being consciously manipulated?

A. Yes. I have been told that there were TVs and reading materials for people high in the hierarchy, but new recruits had no access to any of that.

So psychologically these people had only the information that was being provided, and they were kept so occupied with activities, lectures, singing, and someone always monitoring them from the time they got up in the morning until they fell asleep at night, that there was no time for reflective thought. What am I doing here? Who are these people? Shouldn't I be getting back home? Reflective thought was not possible because the people were so occupied and cycled through one event after another, that they couldn't reflect.

There was no napping permitted. The hours of sleep were reduced; it was not usually the full seven or eight hours people are used to getting. It wasn't actual sleep deprivation, because they couldn't make it so miserable that people would rebel, but it was less than most people are used to.

There was also a shift in the diet they were given, toward more non-protein foods. They often described it to me as broccoli and rice and totally vegetarian or peanut butter sandwiches. Psychologically, what this tends to do, if you give people less sleep than they are used to and you take them off their usual diet, it makes them feel more vulnerable, more tired, and they are a bit more easy to influence if they are not feeling top-notch and pert.

Q. Do these things that you have described have anything to do with thought reform?

A. Reducing sleep, changing people's diets, never letting them have time to reflect, that starts softening people up for a persuader of any kind to move in and persuade them. A thought reform program is a form of a persuasion program.

Q. Is there any significance to the fact that the process of joining the Church is a kind of segmented, step-by-step process?

A. Yes, it's important because the process is done so subtly that the person doesn't realize it is being done to them. A thought reform program is far more effective than high-pressure salesmanship or coming on strong or arguing at people.

Q. What are some of the other techniques that you have found to be used by the Church in their recruiting process?

A. Another powerful technique is "love bombing", which is a term they use to refer to the large amount of flattering and hugging that goes on, just bombarding people with statements of flattery and unconditional love. They take people who are feeling a little bit lonely, make them feel sort of powerless, and then offer just what all of us would love, unconditional acceptance and lots of good words.

The effect of this is that it heightens the subject's suggestibility to information and the eventual prospect of joining the Church. It also makes them feel guilty when they start to think about questioning the smiling people that are love bombing them.

Another technique is to hold the workshops at camps at remote settings. It helps to make the person feel powerless because they are far away from what is familiar. It is a way of separating them from their past. Eventually the program that is offered to people requires them to drop their past, to drop connections with their parents, to drop their career, to drop their work, their friends, and get absolutely embedded in the present. Eventually, the program leads them to believe that their parents and other nonmembers are satanic and are to be avoided.

They also make it difficult for the potential new members to do "reality testing." Reality testing is the way a person makes sense of their surroundings, by asking questions either to themselves or to someone else. But it is difficult to get straight feedback in that setting. In the lectures, if someone asks a question they are told, "We will get to that later", but no one ever gets to it later. And of course, they can't get information from outside sources, because you are about 100 miles up in the country, inside a place with a fence, and if you want to leave, the bus doesn't leave until late at night or 3 a.m. in the morning.

Q. Is the purpose of a thought reform program to deny people of their free will?

A. The purpose is to eventually take their free will away. It doesn't deny it, but you can't have it. They end up with a very reduced free will about a lot of things, so they can't think independently on a lot of topics. If you have been thought-reformed, your decision-making ability has pretty much been taken over by the people managing the group, so your autonomy is reduced markedly.

Q. What is the "indemnity doctrine?"

A. The indemnity doctrine says in effect that if a member leaves the Church, or doesn't do certain good things for the Church, all of the person's ancestors that have passed on, and all future generations born in their family will experience bad troubles in the spirit world. This tends to make people do things they wouldn't ordinarily do; it is designed to coerce and intimidate people.

Another control technique is the idea of satanic blood lineage. They are told that their relatives and their friends and all the rest of the outside world is satanic, and from a psychological standpoint, it starts making people feel aversive toward their loved ones and the people to whom they had been attached for many years of their lives. All of this leads to feelings of guilt, and fear, and anxiety and stress among those who go against the Church, who try to leave.

Q. Was there any significance to the fact that these individuals received no income or possessed no property?

A. Psychologically, it made them dependent on the organization. Usually they told me that they had cut away from their parents. They had turned over everything they had to the Church, and had no way of being able to get from wherever they were to another place, and that makes them even more susceptible to continued mind control techniques.

Q. In your opinion, what are the consequences of a thought reform program?

A. There are five generally accepted consequences, which we refer to as the five Ds. The five D's are deception, dependency, debilitation, dread and desensitization.

Q. Could you describe the five consequences of a thought reform program?

A. Okay. First, deception. When the person gets away from the thought reform program, when they finally get access to full information, they come to realize with broader information that there were deceptions involved during the time they were with the group.

The second one, dependency, is one in which the content of the program tends to get people in a position so they have to rely on and literally be dependent upon the persons running the program.

The third one, debilitation, is often brought about by the program being of a marathon kind, or debilitation by lessening sleep or changing people's eating and diet habits; but whatever types of demands upon time, plus demands upon the person's energy, occurs, most people coming out of thought reform programs may have had, as a feature of their time in the group, some debilitation.

Fourth, there is usually some dread. Usually the content makes the person feel that they will have some social isolation, social ostracism from the thought reforming group if they don't go along with the program and display the desired demeanor and behavior and make the statements that the management is teaching them. So depending upon the situation, there are varying degrees and kinds of psychological and social dread.

The last one is desensitization, which comes from people in a thought reform program becoming desensitized through the psychological and social manipulations that are done. So when the people come out they realize that while they were under the influence and had accepted and cooperated with the thought reform program, they had become desensitized to the needs that they normally would have responded to prior to their being in a thought reform program.

Q. Must all five of the consequences always be present when someone has been subjected to a thought reform program?

A. They do seem to be, in my experience, almost universally present.

Q. Calling your attention to the people that you interviewed, can you tell us whether or not you found evidence of personal injury that was a direct result of the thought reform or coercive techniques used on them?

- A. Yes, I did. I found individuals with injuries suffered because they had been thought reformed to get them to stay. And because they stayed with the group, many of them had dropped out of college and some had turned down going to graduate school, so they were educationally injured.

Many of them had suffered financial injuries because they had given over property, inheritances, cars, cameras, everything to the organization. Some of them had been sexually injured in the sense that they had been taught things while they were in the group that made them feel peculiar about normal sexual feelings, and they needed counseling to get a better view of normal sexuality.

Some of them had suffered devastating psychological injuries because parents or grandparents had died, and they had not been permitted to go home for the funerals or to visit. Others suffered from guilt as a result of the deceptions that they had used to get others into the organization.

There were also injuries of a developmental nature, for example when someone joined the group at age 18 and left at age 25, it was as if they had been on hold emotionally and developmentally. They were back where they were when they went in, in terms of their education, their social life, their sexual life, and their economic life.

Socially they were injured because many of them had severed their friendships from the past, and no longer had any network of friends and contacts back in their hometown. They were socially distrusting of joining any kind of organization or group again.

- Q. Does brainwashing or thought reform wear off if somebody is taken out of the organization?
- A. Yes, gradually. The effects decay once a person is out of the controlling situation and out of the influence domain of the people that are running the program.
- Q. With respect to a person who had been cycled through the Church's thought reform program, and who had remained thereafter for a period of several years and not left, do you have an opinion whether or not that person's ability to reason about his or her involvement with the Church had, as a result of that thought reform program, been substantially undermined?
- A. Yes. It is my opinion that such a person's ability to reflect and reason about their involvement in the Church would be seriously undermined.
- Q. And do you have an opinion whether or not such an individual's ability to exercise an informed consent with respect to his or her involvement with the Church had been severely impaired?
- A. Yes, I do. It is my opinion that such a person would have a severely reduced ability to provide informed consent about her relationship with the Church.
- Q. Dr. S, is there a difference between coercion that could be characterized as "gun-at-the-head" coercion, and "psychological" coercion?
- A. Yes. Sometimes people think that coercion only works if you physically threaten the person, or lock them up. But in the fields of psychology, psychiatry, and human sciences, the idea of psychological and social coercion exists.

It is tied into the concept of "ideological totalism", which is a phrase brought into our language by Dr. Robert Lifton. He is saying that all of us have a touch of an all-or-none

thinking within our psyches, and that there are social organizations that have an all-or-none value system. And he was saying that ideological totalism occurs when an organization with this all-or-none philosophy is able to take control of a person's mind, and activate their all-or-nothing reasoning. Dr. Lifton identifies the criteria for determining whether an environment is totalistic in his book on thought reform, and my interviews with Church members have convinced me that the Church is an organization in which ideological totalism is prevalent.

CROSS-EXAMINATION

- Q. Dr. S, did you employ any objective criteria in your study of cults?
- A. Yes, I employed the training, background, and experience I've had as an observer of human conduct and behavior.
- Q. Is that objective?
- A. Yes, in the sense that your training moves you toward being more objective. There is no absolute yardstick of objectivity in any field of science that I am aware of, no total objectivity.
- Q. Dr. S, are there guidelines for psychologists in performing studies of causation?
- A. There is no one specific guideline, it's the entire training program that a psychologist gets in their undergraduate and graduate and professional training programs.
- Q. In scientific studies, must there be guidelines pertaining to the methodology to be used in order to conduct an objective, scientifically valid study?
- A. There is no one method. There are many methods of conducting a valid scientific study.
- Q. In your opinion, does basic training in the military involve thought reform?
- A. No, that is not the same thing.
- Q. Why not?
- A. Because, when you go into the military, you know what you are joining, whether it's the Marines or the Navy or the Air Force. And in the military, after basic training, you can continue to have an association with anyone you like. You can write, communicate, visit without it being monitored. And it's not an organization that thinks everyone else is a lesser being. They try to get good morale, but they are not elitist. And it is not a totalitarian system, because the military is overseen by other parts of the government. It is possible to complain to the inspector general, in contrast to the situation in cults where you have a tight pyramid structure. And the teachings in the military are for a specific goal and there is no attack on the recruit's political, religious, or philosophical beliefs. They are merely taught a function that the society feels is necessary, so the military has a training or indoctrination or education program and not a thought reform program.
- Q. Would you say that religious or parochial schools utilize a form of thought reform programming?
- A. No, they are engaged in the teaching of a belief system, but there is no deception, usually, as to what is going to be required of the children as they go along and so on, so that parochial schools are teaching institutions.
- Q. What about the relationship of parent and child, does that involve any form of thought reform?
- A. It might involve thought control, but not necessarily a thought reform program. Generally speaking, there are many forms of what are called "systematic social influence", in which a person or organization systematically tries to influence one or more other people. This happens in many areas of life, but it is not the same as thought reform, because usually

one or more of the six necessary preconditions for thought reform are not present. It is social influence, not coercive persuasion.

- Q. Dr. S, are you a member of the A.P.A., the American Psychological Association?
- A. Yes, that is correct.
- Q. And is it accurate to say that the A.P.A. could be referred to as the parent organization for almost all psychologists?
- A. You could say so, yes.
- Q. Were you commissioned by the APA to prepare a report on deceptive and indirect methods of persuasion and control?
- A. Yes, I was the chairman of a twelve-member task force that was appointed to do the report.
- Q. Is it true that in May of 1987, your task force report was rejected by the APA because, they said, it "lacked scientific rigor and an even-handed critical approach", and also was said to have other significant deficiencies?
- A. That was true.
- Q. Doctor, isn't it almost unheard of for the APA to reject a task force report that it has commissioned?
- A. I don't know the answer to that.
- Q. Thinking back to the 270 Church members or ex-members you interviewed, how many would you say were forcibly removed by their families?
- A. I can't recall. A greater number had been forcibly removed than had left voluntarily.
- Q. How many were still in the Church?
- A. Perhaps 12 or 15.
- Q. How long had these people been members?
- A. The shortest length of time was two and a half months, and the longest was nearly 14 years. They ranged in age from 18 through the early thirties.
- Q. Did you ever go to the Church Center in San Francisco?
- A. No.
- Q. Did you ever go to Camp K or Camp B?
- A. No.
- Q. Did you ever personally interview Doug?
- A. I did have a short interview with him just prior to preparing for trial, and I read his deposition testimony and the testimony of his parents.

Q. Did you conduct any psychological tests on Doug to assess his state of mind?

A. I did not.

Q. How long did you spend interviewing him?

A. I suppose it was about a half hour.

This is the testimony of Dr. R, who is an expert witness testifying for the defense in this case.

Q. Dr. R, could you tell us about your background?

A. I am a Professor of Social Psychology at the University of California, Los Angeles. I received my Ph.D. in 1950 and have taught and conducted research in social psychology since that time. I am a former president of the Association for the Sociology of Religion, and the recipient of numerous awards in my field, including a Fulbright Fellowship for my work on the recruiting processes used by new religious groups. From 1960 to 1970 I conducted experiments in the area of persuasion and attitude change at the Stanford Research Institute in Palo Alto, California. We were particularly interested at that time in determining whether or not people in a controlled experimental setting could be made to change deeply held attitudes in situations that did not involve physical restraint or physical threats. Our work showed rather conclusively that persuasion of the kind associated with brainwashing and thought reform programs is simply a myth; it just does not occur when physical restraint or threat is absent. Since 1970 I have continued to write and publish on this topic, often supported by grants from the National Science Foundation and the National Endowment for the Humanities.

I have taught courses in most areas of social psychology, including attitude change and persuasion, since the mid-1960's. I also teach courses on the psychology and sociology of religion and have served as Chairman of the American Psychiatric Association's Task Force investigating the ethical uses of persuasion in a wide variety of situations, including schools, the military, advertising, and religious groups. I have given well over one hundred lectures on this topic to various professional groups, including the American Psychological Association, the American Psychiatric Association, the American Sociological Association, and the Society for the Scientific Study of Religion. I have been qualified as an expert witness in State and Federal courts in several states. I have also served on the editorial review boards of several journals in the area of social psychology, sociology, and religious studies.

Q. What kind of research have you done in the area of cults?

A. I have done rather extensive research in the area of new religious groups, which some people refer to as cults. Cult is a negative term used by people who want to imply that these new religious groups are somehow not as legitimate as religions that have been around for a long time; it is also used to imply that there is something particularly insidious about their practices, when in fact their practices are pretty much the same as those of the more established religions. For this reason, I prefer to use the term "new religion" rather than "cult" when discussing these groups. In answer to your question, my research has been of two types. First, I have personally conducted interviews with over two thousand members or ex-members of new religious groups. About three hundred of those interviews were with members or ex-members of the group known as the Church.

Our interviews provide sound scientific data because we used a standardized, written questionnaire form, and we selected respondents randomly from three general groups--those who had left the Church voluntarily, those who had been kidnapped and deprogrammed by their families, and those who were still in the Church. We also had a control group of people who had never had any sort of contact with the Church. We did statistical analyses of the survey data, which serves as the basis for my conclusions when I say we have scientifically valid support for our findings.

Q. And have you lectured or put on seminars or workshops about cults?

A. Yes, I have given lectures on the recruiting practices of religious groups at a number of professional meetings, including some in Europe.

Q. And have you published anything in that area?

A. Yes, I have published probably a dozen papers, as well as some books, on the recruiting practices used by new religions. I am currently working on an invited review article that will summarize and critically evaluate all of the known research on the topic.

Q. Have you become professionally familiar with an organization known as the Church?

A. Yes, thoroughly. In addition to the 300 interviews with members and ex-members I mentioned earlier, I actually spent several months undercover with the group in San Francisco, and during that time I had ample opportunity to study the group firsthand. I published my observations in the Journal of the Society for the Scientific Study of Religion.

Q. Based on your research and studies, what conclusions, if any, did you reach as to why people joined the so-called new religious groups?

A. Well, the first conclusion that I reached was reached somewhat hesitantly. When I examined existing theories and models and started trying to apply them to the members of new religions who I interviewed, I found that they simply didn't fit the data. The existing theories made an assumption that the people who converted to new religious organizations were passive, like objects, and were pushed around by social forces over which they had no control. But the people we interviewed were very much in control of their lives, although they were looking for new purpose and meaning. Granted, many of them had rejected the status quo or the philosophy of life that their parents would have liked for them, but they were out looking for something else, they were searching, they were active. And they were some of the brightest folks I have ever encountered.

Q. Did you find that a high proportion of the people you interviewed were searching as opposed to passive types?

A. Yes. Virtually every person we interviewed over the years of my study, both here and in Europe, fit the pattern of an active person trying to make sense out of their life, someone who was trying to determine where they wanted to go in their life, and not be pushed around. There is just no reason for these new religions to use anything like the so-called thought reform. It isn't necessary. There are a lot of people out there actively searching for something that will provide meaning to their lives or answers to their questions.

One of the concepts that I have developed is called conversion careers. It refers to people who go from one group to another. They try out one group and they decide it doesn't quite fit their needs so they go into another, and another. We have data on people who have gone through a half dozen different groups or sets of beliefs or practices. And in that context, we quite often ran into people who were overtly negotiating with groups about the conditions that would have to be met to become a member. They wanted to know what they would have to give up, and what they would get out of it. We encountered that quite frequently. Obviously, if a person is negotiating the terms of their entry into a religious group, it isn't likely that they have been coerced or brainwashed.

Q. In your opinion, did the plaintiff, Doug, join the Church because he was coercively persuaded, or for some other reason?

A. The plaintiff would have you believe that the members of the Church intentionally structured a situation that was so powerful, so manipulative, that his free will was

diminished. As a psychologist, I am very skeptical of that interpretation of Doug's involvement with the Church. The issue really is this: By all accounts, Doug was a reasonably normal and healthy young man. He had just graduated from college, and he had applied for graduate school and had been accepted. How did it happen that in a period of just a few short days his values and goals seemingly changed and he turned his back on his family, his girlfriend, and most other aspects of the life he had known up to that time? As a psychologist, I believe strongly that when someone does something like Doug did, it is because the person was dissatisfied with their life, and was seeking for some experience, some answers to very troubling questions.

The coercive persuasion argument is founded on a view of man as a strictly reacting organism. It is an outgrowth of the behaviorist school of thought which grew in strength over several decades, and peaked in the 1950's. For the last thirty years or so, the behaviorist position has declined rapidly, and today has relatively few followers.

The decline of behaviorism has been accompanied by a corresponding ascent of the cognitive view of man. In the cognitive view, people are viewed as active, searching, planning beings, capable of pursuing objectives, accepting or rejecting ideas. They do things for their own reasons, not simply because they are reacting to external events. Man is able to construct meaning in situations, and the normal human has the capacity to see patterns emerge in situations, to sense the motives of others, to sense danger or opportunity, to advance his or her own interests, and to create and maintain an identity that he or she is comfortable with.

In the words of a respected social psychologist, Dr. B., "One consequence of being human is that a person becomes an object to himself or herself. Because they possess language and superior intelligence, each human has a unique capacity for thinking about his or her behavior. The individual is not passive, but is an active agent in maintaining a stable interpersonal environment. Circumstances may put pressure on the individual to change, but active efforts on his or her part maintain stability of self and behavior. Certain human characteristics contribute to this process, such as one's self concept, one's individual ways of perceiving other persons, and one's learned behavior patterns."

"A person is not a passive object molded and shaped by other persons. Even casual observation of small children reveals that they are not so easily molded: they often stubbornly resist parental influence... As people mature, and the self concept is established and certain behavior patterns are adopted, conditions arise that cause the individual to be less readily influenced and to resist change actively. A person may be immersed in a social environment of interacting forces, and still behave in a distinctive manner that at many points is opposed to these forces."

I have to reject the assertion that Doug was just a robot, susceptible to all types of persuasive attempts, blindly moving through the world, and reacting to all stimuli like a sponge. Instead, I believe he was an active, planning, being concerned with his self identity, with the reactions of others to him, and with developing and carrying out his own plans and objectives.

I realize that most people who hear Doug's story will initially conclude that the Church in a sense brainwashed or coercively persuaded him to join the organization by intentionally designing and applying a program that apparently quickly and radically transformed him into a very different person than he had been in the past. The typical, thoughtful, intelligent, person believes that when a group like the Church attempts to exert control over someone's social and or physical environment, restricts or consciously manipulates information, asks them to change their life and beliefs, and induces guilt by implying that there will be negative consequences in the afterlife if the person does not comply, that the target of that attempt will then actually be coercively persuaded or brainwashed.

But from a psychological perspective, based on more than forty years of intense investigation into the nature of persuasion, attitude change, and human behavior, the theory of coercive persuasion is nonsense.

All of these charges of brainwashing sound so plausible because we are familiar with them through years of exposure to such situations as they are portrayed in movies, books, television, and exaggerated and exploitive news accounts. Yet, all of these stories are essentially fiction which most of us have accepted as reality. Attempts at persuasion, weak and strong, are with us everywhere in life. In the most general terms, persuasion can be conceptualized as occurring along a graduated continuum, with very weak forms such as simple suggestions or hints on one end, and massively coercive types of persuasion involving imprisonment, violence, isolation, and deprivation on the other. But even the most coercive forms of persuasion, as were seen in the Korean and Chinese POW camps, resulted in only very few turncoat POW's, and most of those men reverted to their prior beliefs once they returned home. As far as the milder forms of persuasion, including the practices engaged in by the Church, there is little reason to believe that as a result of such practices people can be made to change their core beliefs; if people were as susceptible to persuasion as Doug claims he was, we would be living in a very different world than the one we currently inhabit.

Why do I say this? Because so much of what we have learned in psychology over the past half century has demonstrated that relatively normal, healthy human beings, people like Doug, are tremendously difficult to change, even when they want to. Superficial change is not difficult to bring about, of course, but bringing about radical personality changes, changes in core beliefs and values, transforming someone's life, those kinds of deep changes rarely occur even in the most favorable circumstances, and virtually always include a desire to change.

The tremendous difficulty in inducing real, central personality change among even willing, motivated people can be easily seen in the areas of psychology that have been most concerned with the careful and systematic study of personality, attitude, and behavior change: psychotherapy and social psychology. The most consistent and significant finding in both of these disciplines is that core attitudes and beliefs are very difficult to change, but are quite easy to reinforce.

From a psychological standpoint, there are very good reasons why this should be the case.

The human mind is an exceedingly complex structure, constructed over the life of a person, and consisting of a huge store of memory based on experience. There is also a complex knowledge structure, and attitude structures based on knowledge and experience. The idea that this incredibly complex structure can be somehow erased, and an entirely new set of ideas implanted, is farfetched at best. This complex structure, which I will refer to as the cognitive structure, is in fact quite resistant to change. It in a sense exerts a type of thought control of its own, and does so particularly with respect to the person's self concept. It is strongly resistant to change that in any way threatens the existing self-image.

- Q. How do you explain the fact that Doug appeared to undergo a complete personality change rather quickly after coming into contact with the Church?
- A. Well, as I have said, I don't think he really did undergo a radical change of personality. I think he acted in a way that allowed him to better express his own personality, perhaps to a greater extent than he had been able to when he was living at home or while he was in college. Here you have a young man who graduated from college and, although he had tentative plans to attend graduate school, instead became a dedicated member of the

Church. In a very short period of time he was moving up in the organization, he was enthusiastically recruiting new members, he was racking up thousands of dollars in sales for the group, and he was traveling and having a lot of new experiences. He continued to do this for nearly two years, and showed no signs of dissatisfaction; on the contrary, he gave everyone the impression that he was doing exactly what he wanted to do. Rather than viewing this as a process that involved coercive persuasion, I would define the situation as one in which Doug, recently out of college and perhaps free from the constraints of his home environment for the first time, sought to behave in a way that was more consistent with his self concept.

Keep in mind that Doug's relationship with the Church was not terminated voluntarily by Doug; it was only terminated when his parents hired a crew of "deprogrammers" to grab him off the street, take him to what they euphemistically refer to as a "rehabilitation center", and put him through a month of intensive indoctrination in which he was told that he hadn't joined the Church because he wanted to, but because he had been brainwashed. Since that time, he has claimed to be depressed, anxious, and upset about his life. Given that he apparently wasn't upset, anxious, or depressed prior to joining the Church, or during the time he was a member, I have to entertain the notion that it was his forcible removal from the Church that brought on his anxiety and depression. I believe that a major cause of his current problems is the fact that his life situation is not consistent with his self concept, and he is having trouble reconciling those things. In a sense, he has been forced to live a lie since the time he was deprogrammed, because that is the only way he can save face while maintaining the love of his family, who refuse to accept him when his behavior deviates from the behavior that they demand from him. The threat of withdrawal of love looms heavy over Doug as a result.

I think that one reason why Doug got involved with the Church is because people tend to interact with those who make it possible to behave in a way that is congruent with their self concept. People have an internal drive toward consistency. For example, if someone like Doug regards himself as especially intelligent, or religious, or adventurous, that person will tend to interact with persons who respect his or her intelligence, religious feelings, or adventurous nature, or at least who allow those aspects to be exercised. By making friends of such persons, someone like Doug creates an important and durable source of support.

- Q. In your experience with members of new religious groups, do members who leave groups always give an accurate account of why or how they joined the group?
- A. No. Often they needed to develop an explanation, for themselves and for others, about why they had joined the group, and why they were leaving. And in a sense, that explanation was an excuse or a justification for past behaviors. They tend to distort or fabricate facts, sometimes unconsciously, to fit the account they have developed. The reconstruction can best be understood in terms of the person's current intentions and objectives. If they are trying to come back to their family, they try to negotiate an account that their family will accept. And their family, or their friends, or their new co-workers will not necessarily accept an account that is factually accurate, so the person distorts and fabricates as necessary.
- Q. In your opinion, what, if any, sociologically significant functions do new religious groups play in society?
- A. The new religious groups do serve some interesting and important functions that are often overlooked. At the level of society as a whole, the groups serve what some people refer to as a "halfway house" function, or a reintegration function. This refers to individuals who were out floating in society without regular social moorings, and who were brought back into society eventually as a result of getting involved in some of these groups.

This was particularly the case in the late sixties and early seventies when a lot of groups would find members who had few, if any, social moorings. They would bring them into the group and give them some kind of meaning and purpose in their lives. As these people learned some skills or got settled down, some of them formed families, or got jobs or whatever, and went back into society in what most people would think of as more normal ways.

Another function at the societal level that is often overlooked is their function as a mechanism of social change. They allow people to experiment with different ways of living and approaching problems. There is some value in trying out things like communal living, which is more efficient and inexpensive than other ways of living, since so many material goods can be shared and used by many others.

On the individual level, there are some rather dramatic functions, in that the groups help many people straighten out their lives in various ways. For example, many of the people who join the groups have used drugs. Research shows that in some groups, 90 percent had been users of drugs before joining, and their use dropped drastically after joining. Research has also shown that many people who joined had problems with excessive use of alcohol, or were engaging in sex indiscriminately, and these problems were also greatly alleviated after joining.

Q. Dr. R, have you had an opportunity to review the deposition testimony of Dr. S?

A. Yes, I have examined it in detail.

Q. And have you formed any opinion about her research and her conclusions?

A. Yes, I have. Her testimony fails to meet basic scientific standards of reliability and validity, among other shortcomings. The purported scientific claim of coercive persuasion is little more than a negative value judgment about the religious beliefs and practices of the Church.

Q. Are you saying that the theory of coercive persuasion is not generally accepted in the scientific community?

A. That is correct. There is virtually no acceptance of the theory. When the plaintiff's theory of coercive persuasion is evaluated in a scientific way, its plausibility evaporates. A significant and un-contradicted body of empirical social science evidence demonstrates that the overwhelming majority of persons who undergo the process Dr. S describes as "coercive persuasion", even for a period of weeks, choose not to affiliate with the Church. Several studies of Church recruitment workshops reveal that, on the average, fewer than one in ten of those who got as far as attending a Church workshop agree to join the Church, and fewer than one in twenty remain with the Church for as long as two years. Also, most of these groups are quite small, and they tend not to grow very much over time; this is another fact that demonstrates the falsity of the brainwashing argument; if it did work, these groups would be getting larger and larger, and that is simply not the case.

In addition, existing evidence demonstrates that the qualities that dispose individuals toward joining the Church are not qualities of vulnerability. If there is a trait common to those who decide to join the church it is "strong ideological hunger", a finding of a large and excellent study by Barker. Another study found that those who participated tended to be quite idealistic, and were attempting to act out their idealism.

Q. Is the theory of coercive persuasion generally accepted in the relevant professional literature?

- A. No. The theory of coercive persuasion is based on a body of scientific inquiry into purported mind-control techniques that became notorious during the Korean War. Seeking to explain why some American prisoners of war held in Korea and China appeared to adopt the belief system of their captors, the popular press advanced the theory that the free will and judgment of these individuals had been overcome by sophisticated techniques of mind control or "brainwashing."

Later, without accepting the claims about "free will", several reputable scientists also concluded that--under specific conditions of confinement involving extreme physical hardship, isolation for extended periods, deprivation of necessities, physical torture, and threats of death--some individuals might be induced temporarily to accept belief systems antithetical to those they previously held. Under such conditions, survival itself might hinge, or be thought by the captive to hinge, on adopting or feigning adoption of the captors' ideology.

But there are at least two good reasons why it does not make sense to extend the claims of brainwashing as used in the P.O.W. context to the context of the Church. First, we must keep in mind that there was little real success even with the extreme methods used in the Chinese and Korean POW camps. There was actually a very low number of turncoat POWs, and their apparent attitude change was extremely temporary.

Second, while the lifestyle of the Church may be a demanding one, it is ludicrous to compare it with the stress and fatigue to which the Chinese and North Korean prisoners were subjected. Nor is there anything analogous to the humiliation the POW's underwent. There is nothing analogous to the interrogation political prisoners underwent. Converts to the Church may undergo public self-analysis, but this is apparently beneficial for the individuals involved since there is some evidence that their mental health improves after they join. The kind of confession that is part of brainwashing quite obviously plays no role in the new religions.

There is indoctrination in the sense that there is systematic presentation of a belief system without competing belief systems being discussed, but this is by no means a unique feature of new religious groups; it seems to be a universal characteristic of all religious and ideological groups. Although group influence plays a major role in reinforcing beliefs in the Church, this also seems a universal feature of religious and ideological belief formation.

- Q. And do you have an opinion about whether the people who Dr. S interviewed were biased or not?

- A. Yes, I do. The majority of them are quite biased, as they are mostly former Church members whom had been forcibly removed from the Church environment, or the family and friends of those former Church members. Some individuals who have left a movement, particularly a movement as demanding of adherents as is the Church, are likely to become disillusioned. Such individuals may regret the experience or resent the movement for the material sacrifices demanded or for the estrangement from family and friends that may have resulted.

Similarly, information received from family or friends of a former Church member is likely to reflect hostility to the Church. Most of the individuals that Dr. S interviewed, including the plaintiff, did not depart the Church voluntarily; they were kidnapped or abducted into leaving and were subsequently deprogrammed or counseled. Several recent studies show that individuals who have been deprogrammed manifest far greater hostility toward their former organization, and claim "brainwashing" or coercive persuasion far more often

than do members of the much larger group who leave such organizations of their own volition.

I have been studying the ways that persuasion tactics are used in everyday life for years, and my opinion is that the techniques used by the Church just aren't that different. Some people are now labeling these recruiting practices "coercive persuasion", and comparing them to brainwashing, but these allegations are all made by people who don't like the "cults" or new religions. If it is wrong to try to persuade people to accept your point of view, when no force is used, no imprisonment, no threats of harm, then the courts will be filled with suits alleging that coercive persuasion has been used.

Q. Do you have any other comments on the use of the theory of coercive persuasion to back up the claims of someone like Doug that they were harmed by a religious group?

A. Just one last comment. In my opinion, we are seeing here a symptom of the growing tendency for people not to accept responsibility for their own actions. People like Doug join these groups because they are seeking for something; they want knowledge, or experience, or happiness. The problem only arises when their family or someone close to them cannot accept the fact that the person has changed, and tremendous pressure is exerted on the person to get out of the group. Sometimes, as in Doug's case, the family even resorts to kidnapping and so called deprogramming, which is much closer to brainwashing than anything the new religious groups do. Our society is based on the idea that people have control over their minds, that we can decide for ourselves what to believe and what to reject, and that we are responsible for our own actions, and for their consequences. When I ask myself, as a psychologist, whether it is more likely that Doug's free will was taken away, or that he simply got into a situation for which he later felt he had to deny responsibility, I have to agree with the latter explanation of his behavior.

APPENDIX E: Pre and Post-Deliberation Attitude Measures

QUESTIONNAIRE #2

1. How likely/unlikely are you, at this point, to find in favor of the plaintiff, Doug, on the complaint of Intentional Infliction of Emotional Distress; that is, how likely/unlikely are you to find the Church guilty on that complaint:

5 4 3 2 1 0 -1 -2 -3 -4 -5
.....
Very likely Undecided Very Unlikely
to find in favor to find in favor
of the Plaintiff of the Plaintiff

2. How likely/unlikely are you, at this point, to find in favor of the plaintiff, Doug, on the complaint of False Imprisonment; that is, how likely/unlikely are you to find the Church guilty on that complaint:

5 4 3 2 1 0 -1 -2 -3 -4 -5
.....
Very likely Undecided Very Unlikely
to find in favor to find in favor
of the Plaintiff of the Plaintiff

3. Please indicate the extent to which you agree/disagree with each of the following statements:

A. The Church engaged in activities that diminished Doug's ability to exercise his free will.

5 4 3 2 1 0 -1 -2 -3 -4 -5
.....
Strongly agree Strongly disagree

4. In your opinion, how likely/unlikely is each of the following to bring about change in the central attitudes, beliefs and behaviors of others?

A. Subliminal persuasion

5 4 3 2 1 0 -1 -2 -3 -4 -5
.....
Very likely Very unlikely

B. Rational discussion

5 4 3 2 1 0 -1 -2 -3 -4 -5
.....
Very likely Very unlikely

C. Brainwashing

5 4 3 2 1 0 -1 -2 -3 -4 -5
Very likely Very unlikely

D. Prayer

5 4 3 2 1 0 -1 -2 -3 -4 -5
Very likely Very unlikely

E. Lecturing

5 4 3 2 1 0 -1 -2 -3 -4 -5
Very likely Very unlikely

F. Psychotherapy

5 4 3 2 1 0 -1 -2 -3 -4 -5
Very likely Very unlikely

G. Coercive persuasion

5 4 3 2 1 0 -1 -2 -3 -4 -5
Very likely Very unlikely

H. High pressure sales tactics

5 4 3 2 1 0 -1 -2 -3 -4 -5
Very likely Very unlikely

I. Arguing

5 4 3 2 1 0 -1 -2 -3 -4 -5
Very likely Very unlikely

J. Physical torture

5 4 3 2 1 0 -1 -2 -3 -4 -5
Very likely Very unlikely

K. Mind control

5 4 3 2 1 0 -1 -2 -3 -4 -5
.....
Very likely Very unlikely

L. Social influence

5 4 3 2 1 0 -1 -2 -3 -4 -5
.....
Very likely Very unlikely

5. In your opinion, how likely is each of the following groups or organizations to try to recruit new members or followers using brainwashing?

A. Judas Priest rock band

5 4 3 2 1 0 -1 -2 -3 -4 -5
.....
Very likely Very unlikely

B. Established religions

5 4 3 2 1 0 -1 -2 -3 -4 -5
.....
Very likely Very unlikely

C. Satanists

5 4 3 2 1 0 -1 -2 -3 -4 -5
.....
Very likely Very unlikely

D. Religious cults

5 4 3 2 1 0 -1 -2 -3 -4 -5
.....
Very likely Very unlikely

E. The U.S. Marines

5 4 3 2 1 0 -1 -2 -3 -4 -5
.....
Very likely Very unlikely

F. The Catholic Church

5 4 3 2 1 0 -1 -2 -3 -4 -5
.....
Very likely Very unlikely

6. In your opinion, how likely is each of the following groups or organizations to try to recruit new members or followers using coercive persuasion?

A. Judas Priest rock band

5 4 3 2 1 0 -1 -2 -3 -4 -5
.....
Very likely Very unlikely

B. Established religions

5 4 3 2 1 0 -1 -2 -3 -4 -5
.....
Very likely Very unlikely

C. Satanists

5 4 3 2 1 0 -1 -2 -3 -4 -5
.....
Very likely Very unlikely

D. Religious cults

5 4 3 2 1 0 -1 -2 -3 -4 -5
.....
Very likely Very unlikely

E. The U. S. Marines

5 4 3 2 1 0 -1 -2 -3 -4 -5
.....
Very likely Very unlikely

F. The Catholic Church

5 4 3 2 1 0 -1 -2 -3 -4 -5
.....
Very likely Very unlikely

7. On the following scales, where 11=very well informed and 1-not at all informed, please indicate how informed you think you are about these topics:

A. The use of subliminal messages in rock music

11 10 9 8 7 6 5 4 3 2 1
.....
Very well informed Not at all informed

B. The "not guilty by reason of insanity verdict"

11 10 9 8 7 6 5 4 3 2 1
.....
Very well informed Not at all informed

C. The alleged use of brainwashing by religious groups to convert new members

11 10 9 8 7 6 5 4 3 2 1
.....
Very well informed Not at all informed

D. Community standards for obscenity

11 10 9 8 7 6 5 4 3 2 1
.....
Very well informed Not at all informed

How well does each of the following terms describe the testimony of each witness?

8. Credible

A. Doug

5 4 3 2 1 0 -1 -2 -3 -4 -5
.....
Very well Not at all

B. Linda

5 4 3 2 1 0 -1 -2 -3 -4 -5
.....
Very well Not at all

C. Dr. S

5 4 3 2 1 0 -1 -2 -3 -4 -5
.....
Very well Not at all

D. Dr. R

5 4 3 2 1 0 -1 -2 -3 -4 -5
.....
Very well Not at all

9. Vague

A. Doug

5 4 3 2 1 0 -1 -2 -3 -4 -5
.....
Very well Not at all

B. Linda

5 4 3 2 1 0 -1 -2 -3 -4 -5
.....
Very well Not at all

C. Dr. S
5 4 3 2 1 0 -1 -2 -3 -4 -5
.....
Very well Not at all

D. Dr. R
5 4 3 2 1 0 -1 -2 -3 -4 -5
.....
Very well Not at all

10. Scientific

A. Doug
5 4 3 2 1 0 -1 -2 -3 -4 -5
.....
Very well Not at all

B. Linda
5 4 3 2 1 0 -1 -2 -3 -4 -5
.....
Very well Not at all

C. Dr. S
5 4 3 2 1 0 -1 -2 -3 -4 -5
.....
Very well Not at all

D. Dr. R
5 4 3 2 1 0 -1 -2 -3 -4 -5
.....
Very well Not at all

11. Objective

A. Doug

5 4 3 2 1 0 -1 -2 -3 -4 -5
.....
Very well Not at all

B. Linda

5 4 3 2 1 0 -1 -2 -3 -4 -5
.....
Very well Not at all

C. Dr. S

5 4 3 2 1 0 -1 -2 -3 -4 -5
.....
Very well Not at all

D. Dr. R

5 4 3 2 1 0 -1 -2 -3 -4 -5
.....
Very well Not at all

12. Biased

A. Doug

5 4 3 2 1 0 -1 -2 -3 -4 -5
.....
Very well Not at all

B. Linda

5 4 3 2 1 0 -1 -2 -3 -4 -5
.....
Very well Not at all

C. Dr. S

5 4 3 2 1 0 -1 -2 -3 -4 -5
.....
Very well Not at all

D. Dr. R

5 4 3 2 1 0 -1 -2 -3 -4 -5
.....
Very well Not at all

13. Self-Serving

A. Doug

5 4 3 2 1 0 -1 -2 -3 -4 -5
.....
Very well Not at all

B. Linda

5 4 3 2 1 0 -1 -2 -3 -4 -5
.....
Very well Not at all

C. Dr. S

5 4 3 2 1 0 -1 -2 -3 -4 -5
.....
Very well Not at all

D. Dr. R

5 4 3 2 1 0 -1 -2 -3 -4 -5
.....
Very well Not at all

14. Understandable

A. Doug

5 4 3 2 1 0 -1 -2 -3 -4 -5
.....
Very well Not at all

B. Linda

5 4 3 2 1 0 -1 -2 -3 -4 -5
.....
Very well Not at all

C. Dr. S

5 4 3 2 1 0 -1 -2 -3 -4 -5
.....
Very well Not at all

D. Dr. R

5 4 3 2 1 0 -1 -2 -3 -4 -5
.....
Very well Not at all

15. Impressive

A. Doug

5 4 3 2 1 0 -1 -2 -3 -4 -5
.....
Very well Not at all

B. Linda

5 4 3 2 1 0 -1 -2 -3 -4 -5
.....
Very well Not at all

C. Dr. S

5 4 3 2 1 0 -1 -2 -3 -4 -5
.....
Very well Not at all

D. Dr. R

5 4 3 2 1 0 -1 -2 -3 -4 -5
.....
Very well Not at all

16. Intentionally Misleading

A. Doug

5 4 3 2 1 0 -1 -2 -3 -4 -5
.....
Very well Not at all

B. Linda

5 4 3 2 1 0 -1 -2 -3 -4 -5
.....
Very well Not at all

C. Dr. S

5 4 3 2 1 0 -1 -2 -3 -4 -5
.....
Very well Not at all

D. Dr. R

5 4 3 2 1 0 -1 -2 -3 -4 -5
.....
Very well Not at all

17. Persuasive

A. Doug

5 4 3 2 1 0 -1 -2 -3 -4 -5
.....
Very well Not at all

B. Linda

5 4 3 2 1 0 -1 -2 -3 -4 -5
.....
Very well Not at all

C. Dr. S

5 4 3 2 1 0 -1 -2 -3 -4 -5
.....
Very well Not at all

D. Dr. R

5 4 3 2 1 0 -1 -2 -3 -4 -5
.....
Very well Not at all

18. Informative

A. Doug

5 4 3 2 1 0 -1 -2 -3 -4 -5
.....
Very well Not at all

B. Linda

5 4 3 2 1 0 -1 -2 -3 -4 -5
.....
Very well Not at all

C. Dr. S

5 4 3 2 1 0 -1 -2 -3 -4 -5
.....
Very well Not at all

D. Dr. R

5 4 3 2 1 0 -1 -2 -3 -4 -5
.....
Very well Not at all

QUESTIONNAIRE #3

1. On the complaint of Intentional Infliction of Emotional Distress, was your own final verdict:

- 1. In favor of the plaintiff, Doug
- 2. In favor of the defendant, the Church, or
- 3. Undecided

1a. If your own verdict was in favor of the plaintiff, how much did you want to award Doug? \$_____

2. On the complaint of False Imprisonment, was your own personal final verdict:

- 1. In favor of the plaintiff, Doug
- 2. In favor of the defendant, the Church, or
- 3. Undecided

2a. If your own verdict was in favor of the plaintiff, how much did you want to award Doug? \$_____

3. Please indicate the extent to which you agree/disagree with the following statement.

A. The Church engaged in activities that diminished Doug's ability to exercise his free will.

5 4 3 2 1 0 -1 -2 -3 -4 -5
.....
Strongly agree Strongly disagree

4. In your opinion, how likely/unlikely is each of the following to bring about change in the central attitudes, beliefs and behaviors of others?

A. Brainwashing

5 4 3 2 1 0 -1 -2 -3 -4 -5
.....
Very likely Very unlikely

B. Coercive persuasion

5 4 3 2 1 0 -1 -2 -3 -4 -5
.....
Very likely Very unlikely

5. In your opinion, how likely is each of the following groups or organizations to try to recruit new members or followers using brainwashing?

A. Established religions

5 4 3 2 1 0 -1 -2 -3 -4 -5
· · · · · · · · · · ·
Very likely Very unlikely

B. Religious cults

5 4 3 2 1 0 -1 -2 -3 -4 -5
· · · · · · · · · · ·
Very likely Very unlikely

6. In your opinion, how likely is each of the following groups or organizations to try to recruit new members or followers using coercive persuasion?

A. Established religions

5 4 3 2 1 0 -1 -2 -3 -4 -5
· · · · · · · · · · ·
Very likely Very unlikely

B. Religious cults

5 4 3 2 1 0 -1 -2 -3 -4 -5
· · · · · · · · · · ·
Very likely Very unlikely

7. Please indicate the extent to which you agree/disagree with each of the following statements:

A. I communicated very effectively during jury deliberations.

5 4 3 2 1 0 -1 -2 -3 -4 -5
.....
Strongly agree Strongly disagree

B. I did not communicate all I wanted to, to the other jurors.

5 4 3 2 1 0 -1 -2 -3 -4 -5
.....
Strongly agree Strongly disagree

C. I felt that my position was much stronger than that of those who differed with me.

5 4 3 2 1 0 -1 -2 -3 -4 -5
.....
Strongly agree Strongly disagree

D. I was comfortable with my understanding of the expert testimony in the case.

5 4 3 2 1 0 -1 -2 -3 -4 -5
.....
Strongly agree Strongly disagree

E. I felt that I was somewhat intimidated by the other jurors.

5 4 3 2 1 0 -1 -2 -3 -4 -5
.....
Strongly agree Strongly disagree

F. I will feel more confident when discussing the issues of brainwashing and coercive persuasion in the future.

5 4 3 2 1 0 -1 -2 -3 -4 -5
.....
Strongly agree Strongly disagree

8. Assume that you wanted to tell a friend about the study you have just participated in. In the space below, please describe what you would tell your friend about:

- A. What you did in the study:
- B. What the purpose of the study was:
- C. How you felt about participating in the study:
- D. What you learned as a result of participating: