

Evan Harrington, Ph.D.

Associate Professor
Research Ethics (IRB) Committee Chair, Chicago Campus
The Chicago School of Professional Psychology
eharrington@thechicagoschool.edu

(312) 329-6693

The Honorable Judge of the 14th District Court,
Travis County, Texas
March 18, 2013

In Regards to the Expert Witness Testimony and Qualifications of Randy Noblitt, Ph.D.

Evan Harrington, Ph.D.

Dr. Randy Noblitt's expert testimony was instrumental in securing the convictions of Fran and Dan Keller at their criminal trial in 1992. Specifically, Dr. Noblitt gave credence and claimed empirical support for the children's involvement in such hard-to-hide activities as murders and dismemberments, grave robbing, airplane flights, and kidnappings. Dr. Noblitt testified that these were typical behaviors associated with so-called cult ritual abuse. With the promise of empirical support, Noblitt's expert testimony encouraged jurors to believe the accusations despite the many outlandish elements associated with the actual charges.

The signers of this document present the court with evidence that Randy Noblitt, Ph.D. is not qualified to serve as an expert on the topic of "ritual abuse" or recovered memories and that such testimony lacked any empirical support at that time. This Letter to the Court has been written with the intent of illustrating the reasons why Dr. Noblitt is not qualified. Certainly, the points made below illustrate that it is highly unlikely that any court in the country would today permit Dr. Noblitt to testify today on the topic of "ritual abuse."

1. The Scientific Status of Theories of Satanic Ritual Abuse. At this point in time, and even in 1992, virtually no mainstream psychologists would accept the theories of ritual abuse that Dr. Noblitt puts forward.

At trial, Dr. Noblitt testified about the existence of cults using ritual abuse and of organized satanic networks engaged in wide-ranging criminal enterprises including child abuse. The picture painted by Dr. Noblitt in his testimony at trial is one where criminal cults are common across the United States, and that these alleged cults typically engage in torture and murder of both adults and children. Furthermore, Dr. Noblitt opined that these cults are experts in a form of mind control or brainwashing in which victims are so heavily traumatized that they develop total and complete amnesia until the victim enters therapy and recovers the memory. His descriptions of these cults involved rape, murder, torture, grave robbing, and ceremonial animal and human sacrifice. Furthermore, he alleged that these activities took place at churches, involved police officers and other professional individuals. Lurid media coverage of this issue at the time additionally invoked the specter of widespread cannibalism. In order to explain the lack of physical evidence for these outrageous crimes, Dr. Noblitt explained to the jury that these cults will frequently lead their victims to believe in something preposterous, so that if they ever told of their tortures the stories would involve elements that would be so far-fetched that the victims would necessarily be disbelieved. This, according to Dr. Noblitt, was done intentionally by the cults as part of the mind control programming in order to discredit their victims.

In an interview shortly after the trial in a local newspaper, Dr. Noblitt was described as having been the prosecution expert witness in many ritual abuse cases, including the Keller case (Dickinson, 1993). He stated in that interview that Dan Keller, while in court, used a mysterious hand signal to mind-control people within the courtroom. Further, he asserted that cults use severe torture on victims and that all memory of the torture is repressed. In a direct quote from this news article, Dr. Noblitt stated: "I believe they use a technique of mind control unknown in legitimate psychology. It's akin to hypnosis, created through abuse...the state of shock is so severe that it sends the victim into a deep trance state. Then cult members use different signals or triggers..." to control the victims.

In his 1995 book, Dr. Noblitt went into more detail regarding Dan Keller's mysterious hand signal: A reporter had given Dr. Noblitt a videotape of Mr. Keller appearing in court, where Mr. Keller appeared to hold his fingers briefly in the form of a letter "C". When interviewed by the

reporter, Dr. Noblitt opined for the television audience that Mr. Keller had attempted to use mind control in the courtroom in an attempt at jury nullification, just in case any secret Satanists were on jury (see Noblitt & Perskin, 1995, pp. 150-152). Relatedly, in 1996 I heard Dr. Noblitt speak at another conference. In his presentation, Dr. Noblitt stated that he uses the MMPI test to diagnose ritual abuse (the MMPI is a standardized test that has never been approved for this use), and stated that in his clinical practice he has uncovered “secret cult handshakes” and that he uses these special handshakes with his patients in order to “access” buried cult-mind-control-programming. He uses the information gleaned in this way as evidence for the existence of ritual abuse cults. Furthermore, he stated that he “strokes people’s faces to access the ritual abuse victim’s [memories] and make them dissociate”. At this point, he said, “if they give you a different name, this is scientific evidence for dissociation.” In summary, the world portrayed by Dr. Noblitt is one in which thousands of cult abusers have infiltrated respectable society, and specifically daycare centers, in order to operate a clandestine subculture engaged in massive levels of felonious criminality, all based on mind control triggered by secret handshakes and hand signals.

To be clear, at the time of the trial the hypothesis outlined above was considered to be a fringe belief held by a small number of clinicians, who believed these things solely because of the statements of their patients – not because of any physical evidence that had surfaced. By the time of the trial there had been highly skeptical journalistic essays about ritual abuse (e.g., Nathan, 1990, 1991; Rabinowitz, 1990), criminologists had written articles debunking the ritual abuse hypothesis (e.g., Jenkins & Maier-Katkin, 1991), social anthropologists had traced causal pathways explaining the issue as a social panic purveyed by moral entrepreneurs (e.g., Mulhern, 1991; Victor, 1991). In summary, outside of a small band of psychologists interested in multiple personality disorder, the field of psychology was at that time generally dismissive of claims of ritual abuse.

Prior to 1992, psychologists had offered skeptical accounts of certain types of memory claims, and certainly had offered viable *alternative explanations* of memory errors that could explain ritual abuse allegations. The breadth of coverage by experimental psychologists is beyond the scope of this Letter, but it is fair to say that by 1992 a substantial body of published research existed

regarding errors in adult memory (e.g., Loftus & Ketchum, 1991) and with regard to the suggestibility of children (e.g., Ceci, Ross, & Toglia, 1987; Ceci, Toglia, & Ross, 1990).

In a study I recently conducted (Harrington, Stone, & Guss, 2011), I collected a sample of 118 abnormal psychology textbooks spanning the years 1886 to 2011. Abnormal psychology textbooks are very useful in gauging the level of acceptance within the field of psychology for any issue related to mental health, and they serve as a training instrument which all new members of the profession must be exposed to within their required college courses. This sample of textbooks included 29 texts dating from 1980 (the beginning of the ritual abuse panic) to 1992 (the time of the Keller trial). Of these 29 texts, not one contained a reference to ritual abuse. In contrast, all of the texts covered the topic of multiple personality, and 97% covered the topic of child sexual abuse. This definitively illustrates the fact that “ritual abuse” or “satanic ritual abuse” was NOT accepted within the mainstream psychological community at the time of the trial of Fran and Dan Keller. Had it been accepted, it would have been covered in abnormal psychology textbooks.

Perhaps most importantly, at the time of the trial the 43-page report on ritual abuse by FBI Special Agent Kenneth Lanning was available, having been released in January, 1992 (see also Lanning, 1989, 1991). Lanning, a member of the Behavioral Science Unit of the FBI, served as a consultant in numerous cases of alleged ritual abuse. The “Lanning Report” described his detailed review of hundreds of such cases. The cases described by Lanning involved human sacrifices and cannibalism, and seemed to come directly from Dr. Noblitt’s repertoire of ritual cult concepts. As Lanning described it, believers in the ritual cult hypothesis asserted that satanic ritual cults murder some 50,000 people each year in the United States, yet leave no evidence of the crimes because of their advanced expertise and organizational skills. However, unlike Noblitt, Lanning ultimately concluded that there was no legal-level evidence for the alleged ritual cult abuse claims. Lanning suggested that it is up to the mental health community to determine why these individuals believe in things that have not happened. As Lanning stated: “For at least eight years American law enforcement has been aggressively investigating the allegations of victims of ritual abuse. There is little or no evidence for the portion of their allegations that deals with large-scale baby breeding,

human sacrifice, and organized satanic conspiracies. Now it is up to mental health professionals, not law enforcement, to explain why victims are alleging things that don't seem to have happened" (Lanning, 1992, January, p. 40). Lanning's conclusions were widely available within the field at the time, as they were published in multiple locations, including the journal *Child Abuse & Neglect*. Any psychologist interested in the topic of ritual abuse at the time of the Keller trial would have been aware of Special Agent Lanning's failure to find any corroboration for ritual abuse claims. An explanation for Dr. Noblitt's failure to reference this important work in his trial testimony perhaps stems from the fact that believers in satanic ritual abuse had concluded that FBI Special Agent Lanning was himself a satanic high priest (Bottoms & Davis, 1997; Lanning, 1992), in part because the report had a red cover.

In light of the critiques regarding ritual abuse accusations that were available in 1992, coming from multiple disciplines (including law enforcement), and in light of the lack of general acceptance within the field of psychology proper (as shown by the total absence of the topic in abnormal psychology textbooks), it is bewildering why Dr. Noblitt opined at trial that there was little controversy regarding ritual abuse (p. 147 of his testimony).

Further, at pages 158-159 of his testimony, Dr. Noblitt described attending a conference where most attendees raised their hands in belief at the existence of ritual abuse, which he used as evidence of general acceptance of his ideas. The problem with this scenario is that the conference described by Dr. Noblitt was one that specialized on the very issue he was polling. A similar result could be obtained if a political pollster went to a rally for candidate X and asked how many people supported candidate X – it would not be surprising if everyone raised their hands, and an honest pollster would refrain from using this as evidence that the majority of eligible voters also supported candidate X.

Another area of knowledge that was available at the time of the Keller's 1992 trial involved the relationship of multiple personality disorder and ritualistic abuse. For example, Nicholas Spanos (1996), a highly respected researcher in the field of hypnosis and memory, argued strenuously that multiple personality was a social construction, and that claims of satanic ritual abuse could be entirely explained through the ordinary mechanisms of social influence and cognitive psychology.

Much of the research cited Spanos was available in journal articles prior to 1992. His book lists 74 published articles where he was first author; 58 of these articles were available before 1992, and this body of research clearly called into question the veracity of claims of multiple personality, demon possession, hypnotism, and ritual abuse as well as providing a plausible alternative explanation for these wild claims.

In conclusion, Dr. Noblitt stated in testimony at trial that there is little controversy about his descriptions of ritual abuse. This statement was not factually true in 1992, and is less true today. Dr. Noblitt's expert testimony did not represent any type of consensus within the field of psychology, but rather represented a fringe group of therapists who specialized in treating patients who believed they had been ritually abused. This is reflected in a survey that was conducted contemporaneously with the trial, but which was not published until later (Bottoms & Davis, 1997; Bottoms, Shaver, & Goodman, 1996), in which the researchers surveyed clinicians who were members of the American Psychological Association regarding clinical experiences with patients who believed they had experienced ritual abuse. Only 13% of the sample had "seen" an adult case of ritual abuse, but a far more telling statistic was that the overwhelming majority of ritual abuse cases were seen by only 2% of their respondents, who averaged hundreds of such cases. When asked about actual evidence in any of their clients' cases, in only a handful of cases did the clinicians report that evidence existed to support the allegations, and in these instances the "evidence" was "usually 'scars'...one respondent wrote 'scars on right hand'" (Bottoms, Shaver, & Goodman, 1996, p.23). The authors of this study concluded that a small minority of therapists were involved in massive numbers of ritual abuse cases, and that there was an overwhelming *lack* of evidence to support these claims. These data strongly support the view that, in the early 1990s, although psychologists tended to believe their clients' ritual abuse claims when they encountered them, psychologists' activities in treating ritual abuse was relegated to a fringe, and that therapists' belief in ritual abuse was based primarily on stories provided by patients in therapy.

In order to provide additional evidence about the unscientific and unaccepted views of Dr. Noblitt, I described a conference hosted by Noblitt in 1995 (see Harrington, 1996) for a full

description. This article has been submitted in full to the court by Keith S. Hampton, Esq. The conference took place in March, 1995, and I attended this conference as a participant observer in order to learn about the beliefs of the individuals within the ritual abuse psychotherapeutic community.

The major impression after leaving the conference was that the entire event is best characterized as having been anti-scientific. Normally, at academic conferences, presenters give different views about issues and provide data, which are interpreted. In the behavioral sciences, this is accomplished through experimentation and debate over the meanings of results of those experiments. The scientific enterprise proceeds largely through attempts to discredit hypotheses (see, e.g., *Daubert v Merrill Dow Pharmaceuticals*, 1993), and in this way we see which hypotheses can withstand the test of skeptical scrutiny. Then, with sufficient replication and variation in tests and methods, a hypothesis or theoretical perspective may be endorsed by the relevant scientific community at large. Much of this scaffold of the scientific enterprise was described by Karl Popper in *The Logic of Scientific Discovery*, which dates to 1935. In spite of epistemological differences between philosophers, this outline has remained quite useful, and forms a portion of the logic behind the *Daubert* ruling. Contrary to this scientific approach, the milieu at the conference hosted by Dr. Noblitt can best be described as paranoid and anti-scientific. At no point did the conference presenters attempt to seriously engage with their critics, but rather they simply resorted to *ad hominem* attacks on all who disagreed with the ritual abuse perspective. Dr. Noblitt went to great lengths to accommodate the holocaust deniers, representatives of the American militia movement, and charlatans who claimed that they had been mind-controlled (as described in the self-published books they were selling). However, at no point during this entire conference was there any effort to critically and scientifically address the very real and very numerous criticisms of the ritual abuse hypothesis that had accumulated by 1995. All manner of preposterous claims regarding ritual abuse were permitted, and any skepticism, no matter how bland, was met with a clearly aggressive social response (see my 1996 article for details). Far from being a scientific conference, this was a conference at which zealots and true believers pushed their views on others. To me, the most disturbing aspect was certainly the fact that mental health patients were encouraged to attend and

learn of the threat posed by satanic ritual cults, cults that were in fact nonexistent.

2. Since 1992, there is an enormous scientific literature to explore the generation of beliefs and statements about ritualistic abuse. In the intervening years, literally hundreds of professional journal articles and books have been published either criticizing the ritual abuse hypothesis (as exemplified by Dr. Noblitt), or exploring how false memories may be generated in adults and children. It is fair to say that at the current time, belief in ritual abuse within the psychological community is at an all-time low. Abnormal psychology textbooks today sometimes cover the topic, but they do so in a skeptical light as an example of false memory (e.g., Alloy, Riskind, & Manos, 2005, who incredulously described a woman who alleged attending 850 satanic ceremonies involving crimes such as infanticide). The research by highly regarded psychologists Gail Goodman and Bette Bottoms was instrumental in stemming the satanic panic within the professional psychological community. After conducting several surveys, which were funded by a grant from the National Center on Child Abuse and Neglect, their research team concluded that religion-related abuse (such as deprivation of medication on religious grounds, or injury during exorcism) was an important issue for society to face (Bottoms, Shaver, & Goodman, 1996), but that virtually no legal-standard evidence existed for claims of ritual abuse, and such claims were likely the result of false memories (Bottoms & Davis, 1997). Furthermore, Bottoms and Davis (1997) argued that conferences (of the type hosted by Dr. Noblitt) were a likely vector or pathway in the genesis of these false memories (cf., Mulhern, 1991). At the time, the research team was considered impartial in the sense that they had no stake in the ritual abuse controversy and they had extensive experience in research on child abuse.

Other very notable scientists have also critiqued the concept of ritualistic abuse, by presenting empirical evidence. For example, Harvard psychologist Richard McNally opines that the evidence that some people develop false memories is overwhelming, and “the strongest evidence comes from the strange saga of satanic ritual abuse” (2003, p. 259), which he also describes as “extravagant” (p. 258). The work of Elizabeth Loftus, a cognitive psychologist at UC Irvine, is equally impressive. Rather than exploring the quality of memories of traumatized individuals as McNally

does, Loftus produces in the laboratory false memories in her participants for a variety of life events, some of which are highly incredible. A number of developmental psychologists (e.g., Bruck & Ceci, 1995; Poole & Lindsay, 1995) have shown how commonly-used interview techniques can bring children to make very bizarre statements that sometimes seem ritualistic in nature. In conclusion, it is fair to say that the scientific psychological community today does not endorse the types of beliefs about ritual abuse expressed by Dr. Noblitt.

3. Dr. Noblitt's belief in ritualistic abuse continues into the 21st Century. Dr. Noblitt's staunch beliefs expressed in 1992 were not abated by the tide of history and science. This reflects the possibility that his testimony was based on an unchangeable belief that was immune to arguments of logic and science. This does not make for a reliable expert witness.

In an article written by Noblitt, dated 2007, located on an internet web site (<http://ritualabuse.us/ritualabuse/articles/an-empirical-look-at-the-ritual-abuse-controversy-randy-noblitt-phd/>) (downloaded January 31, 2013), Dr. Noblitt offered an expanded version of a paper he presented in 1998. An examination of this article reveals that Noblitt fails to be aware of or to acknowledge many important scientific advances in understanding of the nature of recovered memories or ritual abuse accusations. His article contains a lengthy list of convictions obtained in ritual abuse cases, many of which involved accusations by children in day care settings. Although the cases are not identified by name, but rather by location, many of the cases can easily be matched to the high-profile trials at those locales. For example, the Kelly Michaels trial is readily identifiable within the list. Although the conviction in the Kelly Michaels case was reversed (in part for testimony similar to that given by Dr. Noblitt in the Keller case – testimony regarding using behavioral indicators as diagnostic of abuse), the case is retained in Noblitt's analysis as a true ritual abuse case. He additionally fails to note the amicus brief of concerned social scientists, describing the suggestibility of children, that had been entered on behalf of Kelly Michaels, and which was subsequently published as a journal article in *Psychology, Public Policy, and Law* (Bruck & Ceci, 1995). The amicus brief was prepared by developmental psychologists Maggie Bruck and Stephen Ceci, and signed by 45 social scientists, representing the fields of developmental, social, experimental, and clinical psychology. In fact, while Dr. Noblitt goes to some length in describing

child victims of ritual abuse cults, he does not cite a single critic regarding the suggestibility of children.

In the same article by Noblitt (2007), he stated: "it has never been shown that people who report ritual abuse are particularly suggestible." In contradistinction to this assertion, individuals with recovered memories of child abuse have been found to be more suggestible (Clancy, Schacter, McNally, & Pitman, 2000; Geraerts, Smeets, Jelicic, van Heerden, & Merckleback, 2005) and to exhibit a tendency for poor source monitoring of information (McNally, Clancy, Barrett, & Parker, 2005). This illustrates a misreading or ignorance of recent research on clinical characteristics of those with recovered memories.

To cover one last example, again from the same paper, Dr. Noblitt cites a journal article by Dr. Bette Bottoms and her colleagues (described earlier in this document), with regard to the prevalence rates for clinicians believing their patients' accounts of ritual abuse. As is typical of believers in ritual abuse, Dr. Noblitt selectively uses the information obtained by Bottoms and her colleagues by citing only the parts of their work related to prevalence of clinical encounters with alleged ritual abuse victims. Dr. Noblitt failed to mention that the paper specifically highlighted: (1) the lack of evidence for ritual abuse allegations, (2) the importance of social transmission of these concepts from therapist to client, (3) the general lack of skepticism evidenced by clinicians who encountered ritual abuse cases, and (4) the research team's general conclusion that there is an overall lack of support for ritual abuse claims. Interestingly, Dr. Noblitt has self-published an edited volume (Noblitt & Noblitt, 2008) in which this same error is made by four different contributors: They cite the work of Dr. Bottoms and her colleagues as support for the existence of ritual abuse, when in fact their research demonstrated *lack of support* for ritual abuse. In this Topsy-Turvey world of pseudoscience, anything goes.

In 2007, Dr. Noblitt made a presentation at the annual convention of the American Psychological Association, titled *Use of Sodium Amytal in Psychological Diagnosis and Treatment*. In a text accompanying the presentation, Dr. Noblitt describes "my own clinical experience conducting over 200 sodium amytal interviews" with patients who had been diagnosed with dissociative identity disorders. The use of sodium amytal as a memory retrieval tool is highly

controversial. As far back as 1994, Piper reviewed twelve published studies on the use of sodium amytal interviews, and concluded that there was substantial evidence of memory distortion, sometimes involving gross distortions of factual material. Furthermore, evidence exists that sodium amytal is highly suggestive (and addictive). In a number of court cases, memories refreshed by amytal were found inadmissible (e.g., *Ramona v. Ramona*, 1997) because it contaminates memory. The fact that Dr. Noblitt has frequently used a technique that is considered dangerous in both medical and legal circles, and that he has apparently used it on individuals suffering from dissociative identity disorder, is deeply disconcerting. This may very well fall into the purview of psychological treatments that cause harm (Lilienfeld, 2007).

In conclusion, Dr. Noblitt has demonstrated that: (1) he is uncritical of anyone whose views coincide with his own, (2) he is dismissive of “gold standard” scientific research that disconfirms his views, and (3) he misrepresents the scientific findings of others in an effort to advance his own agenda. These three points constitute an approach that is antithetical to the scientific accumulation of knowledge. Aspects of his clinical practice illustrated here further demonstrate that his beliefs and therapies fall far outside the mainstream of psychology and may have harmful effects for patients and others whom he considers to be victims of cult ritual abuse. His views are fringe views which only impede the efforts of the trier of fact, and may actually be overly prejudicial if presented to a jury.



Evan Harrington, Ph.D. March 18, 2013
Associate Professor
Research Ethics (IRB) Committee Chair, Chicago Campus
The Chicago School of Professional Psychology
eharrington@thechicagoschool.edu

Please refer to following pages for the list of social scientists in agreement with this Letter

We, the undersigned list of concerned social and behavioral scientists, agree that Dr. Noblitt's views regarding ritual abuse, as illustrated in his trial testimony as well as his writings and speeches, as represented in this letter, are deeply problematic for the reasons outlined above. His opinions have been scientifically discredited, and are not shared by the vast majority of clinicians and researchers within the field of psychology.

David F. Bjorklund, Ph.D.

Professor
Editor, Journal of Experimental Child Psychology
<http://ees.elsevier.com/jecp>
Department of Psychology
Florida Atlantic University
Boca Raton, FL 33431
Phone: (561) 297-3367
Email: dbjorklu@fau.edu

Maggie Bruck, Ph.D.

Division of Child and Adolescent Psychiatry
Johns Hopkins Medical Institutions
550 North Broadway Suite 204
Baltimore, MD 21205
Phone: 410-614-1231
Email: mbruck1@jhmi.edu

Terence W. Campbell, Ph.D., ABPP

Diplomate in Forensic Psychology
Private Practice
Phone: 586-268-3920
FAX: 586-268-3963
Email: tcampbell3920@comcast.net

Stephen J. Ceci, Ph.D.

H. L. Carr Professor of Developmental Psychology
Cornell University
Ithaca, NY 14853
Telephone: 607 255-0828
Email: sjc9@cornell.edu

Frederick Crews, Ph.D.

Professor Emeritus of English
University of California at Berkeley
636 Vincente Ave.
Berkeley, CA 94707
Author of The Memory Wars (1995)
Phone: +1 510 525-2479
Email: fredc@berkeley.edu

Mary deYoung Ph.D.

Professor of Sociology
Grand Valley State University
Allendale, MI 49401
Phone: 616 331-3428
Email: deyoungm@gvsu.edu

Elke Geraerts, associate professor

Institute for psychology, Faculty of Social Sciences,
Erasmus University Rotterdam
Burg Oudlaan 50
Rotterdam, the Netherlands
Phone: +31 (0) 10 408 9532
Email: geraerts@fsw.eur.nl
Web: <http://www.clinicalcognitionlab.com/>

David S. Holmes, Ph.D.

Professor of Psychology
University of Kansas, Lawrence
Lawrence, KS 66045-7556
Email: dholmes@ku.edu

Mark L. Howe, Ph.D., CPsychol, FBPsS

Professor
Associate Editor, Developmental Review
Editor: Memory
Chair in Cognitive Science
Department of Psychology
City University, London
Northampton Square
London, EC1V 0HB United Kingdom
Phone: (+44) (0)20 7040 3346
Email: Mark.Howe.1@city.ac.uk

Professor Michael E. Lamb Ph.D

Department of Psychology
University of Cambridge Free School Lane
Cambridge CB2 3RQ, United Kingdom
Editor, Psychology, Public Policy, and Law
Email: mel37@hermes.cam.ac.uk

Richard A. Leo, Ph.D., J.D.

Professor of Law and
Dean's Circle Research Scholar
University of San Francisco
15 Ashbury Terrace
San Francisco, CA 94117
Phone: (415) 661-0162
FAX: (415) 661-0172
Email: rleo@usfca.edu
Web: http://www.usfca.edu/law/faculty/richard_leo/

Scott O. Lilienfeld, Ph.D.

Professor
Department of Psychology
Emory University
Associate Editor, Journal of Abnormal Psychology
Psychology and Interdisciplinary Sciences Building
36 Eagle Row
Atlanta, GA 30322
Phone: 404-727-1125
Email: slilien@emory.edu

D. Stephen Lindsay, Ph.D.

Professor
Department of Psychology
University of Victoria
P.O. Box 3050 STN CSC
Victoria, B.C. V8W 3P5
Phone: (250) 721-8593
FAX: (250) 721-8929
Email: slindsay@uvic.ca
Web: <http://web.uvic.ca/~dslind/>

Elizabeth Loftus, Ph.D.

Distinguished Professor
Psychology & Social Behavior
Criminology, Law & Society
Cognitive Sciences
School of Law
University of California, Irvine
2393 Social Ecology II
Irvine, Calif. 92697-7080 USA
Phone: (949) 824-3285
Email: eloftus@uci.edu

Kamala London, Ph.D.

Associate Professor
University of Toledo
2801 W Bancroft St Toledo, OH 43606
Phone: 419-530-2352
Email: kamala.london@utoledo.edu

Steven Jay Lynn, Ph.D., ABPP (Clinical, Forensic)

Distinguished Professor, State University of New York
Inaugural Editor: Psychology of Consciousness: Theory, Research, and
Practice (APA)
Psychology Department
Binghamton University
Binghamton, NY 13902
Tel: 607 222-6891
Email: slynn@binghamton.edu

Bradley D. McAuliff, J.D., Ph.D.

Associate Professor
 Department of Psychology
 California State University, Northridge
 18111 Nordhoff Street
 Northridge, CA 91330-8255
 Phone: 818-677-2810
 Email: bradley.mcauliff@csun.edu
 Web: www.csun.edu/csbs/departments/psychology/faculty/mcauliff.html
 Associate Editor, *Law and Human Behavior*, journal of the American Psychology-Law Society

Richard J. McNally, Ph.D.

Department of Psychology
 Harvard University
 1230 William James Hall
 33 Kirkland Street
 Cambridge, MA 02138-2044
 Phone: (617) 495-3853
 FAX: (617) 495-3728
 Email: rjm@wjh.harvard.edu
 Web: <http://mcnallylab.com>

Amina Memon C Psychol FBPsS
 Professor of Psychology
 Royal Holloway University of London
 Egham Hill
 Surrey TW20 0EX
 Tel + 44 (0)7999 34135
 Email: Amina.Memon@rhul.ac.uk

Harald Merckelbach, Ph. D.

Professor
 Member of the Royal Netherlands Academy of Arts and Sciences
 Faculty of Psychology and Neuroscience
 Maastricht University, Maastricht
 PO Box 616 6200 MD The Netherlands
H.Merckelbach@maastrichtuniversity.nl

Timothy E. Moore, PhD, C Psych

Associate Editor, Scientific Review of Mental Health Practice
 Professor and Chair Department of Psychology
 York University
 Glendon College, York University
 2275 Bayview Ave.
 Toronto, Ontario Canada M4N 3M6
 Tel. 416 736 - 2100 x 88355
 Email: timmoore@glendon.yorku.ca

Debbie Nathan

Investigatory Journalist
Co-author (with Michael Snedekor) of Satan's Silence
680 W. 204th St. #5B
New York, NY 10034
Email: naess2@gmail.com

Richard J. Ofshe, Ph.D.

Professor Emeritus
Department of Sociology
University of California, Berkeley
Berkeley, CA 94720-1980
Phone: (510) 642-4766
Fax: (510) 642-0659

Yael Orbach, Ph.D

Adjunct Scientist
National Institute of Child Health and Human Development
(NICHD)
Email: yael_orbach@nih.gov

Loren Pankratz, Ph.D.

Clinical Professor
Department of Psychiatry
Oregon Health Science University
Email: loren.pankratz@comcast.net

Kristine A. Peace, Ph.D.

Experimental Forensic Psychology
Assistant Professor and Honours Advisor
Department of Psychology
Grant MacEwan University
City Centre Campus, Rm 6-329H, 10700 - 104 Avenue
Edmonton, Alberta T5J 4S2
Phone: 780-633-3651
Fax: 780-497-5308
Email: PeaceK@macewan.ca
Web: <http://academic.macewan.ca/peacek/>

Harrison G. Pope Jr., M.D.

Professor of Psychiatry
Harvard Medical School
Director, Biological Psychiatry Laboratory
McLean Hospital
Belmont, MA 02478
Telephone: 617-855-2911
Fax: 617-855-3585
Email: hpoppe@mclean.harvard.edu

Russ Powell, Ph.D.

Assistant Professor
Department of Psychology
Grant MacEwan University
City Centre Campus, Rm 6-329H, 10700 - 104 Avenue
Edmonton, Alberta T5J 4S2
Phone: 780-497-5321
Email: powellr@macewan.ca

J. Don Read, Ph.D.

Professor
Director, Law and Forensic Psychology Program
Law and Psychology Area Coordinator
Simon Fraser University
RCB 5246-8888 University Drive
Burnaby BC, Canada V5A 1S6
Phone: 604-291-4243
Fax: 604-291-3427
Email: idonread@sfu.ca

James T. Richardson, J.D., Ph.D.

Foundation Professor of Sociology and Judicial Studies
Director, Grant Sawyer Center for Justice Studies
Director, Judicial Studies Program
Mail Stop 311
University of Nevada, Reno
Reno, NV 89557
Phone: 775 784 6270
FAX: 775 784 6273
Email: jtr@unr.edu

Susan P. Robbins, Ph.D., LCSW

Associate Professor
University of Houston
Graduate College of Social Work
110HA Social Work Building – Room 201
Houston, TX 77204-4013
Phone: 713-743-8103
FAX: 713-520-8901
Email: srobbins@uh.edu

Nadja Schreiber Compo, Ph.D.

Associate Professor
Co-Director Legal Psychology Graduate Program
Florida International University
University Park Campus
DM-288
Miami, FL 33199
Phone: (305) 348-3384
Email: schreibe@fiu.edu

Matthew H. Scullin, Ph.D.

Assistant Professor
Department of Psychology
The University of Texas at El Paso
500 West University Avenue
El Paso, TX 79968
915-747-5313
Email: mhscullin@utep.edu

Carol Tavris, Ph.D.

Social psychologist, writer
Co-author (with Elliot Aronson) of Mistakes were made (but not by me)
and (with Carole Wade) of two leading textbooks in psychology
Editorial board, *Psychological Science in the Public Interest*, Association for Psychological
Science
1847 Nichols Canyon Road
Los Angeles, CA 90046
Email: ctavris@sbcglobal.net

Jeffrey S. Victor, Ph.D.

Department of Sociology
State University of New York
Jamestown Community College
Jamestown, New York, 14701
Email: victor@netsync.net

Elaine F. Walker, Ph. D.

Samuel Candler Dobbs Professor of Psychology and Neuroscience
Editor, *Psychological Science in the Public Interest*
Department of Psychology
Director, Development and Mental Health Program
36 Eagle Row
Emory University
Atlanta, Ga. 30322
Email: psyefw@emory.edu
Phone: 404-727-7438

Amye Richelle Warren, Ph.D.

Patricia Draper Obear Distinguished Teaching Professor
Department of Psychology
The University of Tennessee at Chattanooga
Chattanooga, TN 37403
Phone: (423) 425-4262
Email: Amye-Warren@utc.edu

Charles A. Weaver, III, Ph.D.

Professor Director of Undergraduate Studies
Dept. of Psychology & Neuroscience
Baylor University
One Bear Place 97334
Waco, TX 76798-7334
Phone: (254) 710-2240
FAX: (254) 710-3033
Email: Charles_Weaver@Baylor.edu

James M. Wood, Ph.D.

Professor, Department of Psychology
University of Texas at El Paso
El Paso, TX 79968
Phone: 915-747-6570
Email: jawood@utep.edu

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randy-noblitt-phd/

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