

Chapter 7
The Scourge of False Confessions
by Hans Sherrer (2003)

False confessions are one of the dirty little secrets of the criminal justice system. They are so common that if they were a disease, they would be declared a nationwide epidemic, although you would never know it from the deafening silence surrounding their existence.

An elaborate charade is fostered by prosecutors, judges, and the police that any confession by someone who isn't physically beaten, or that is provided while not in police "custody," or that is furnished after having been read a *Miranda* warning, is voluntarily given of their own free will. This attitude turns a total blind eye to the fact that subtle and seemingly innocuous kinds of psychological coercion are the most effective forms of violence known to man. The human mind is highly malleable, and the gentle art of persuasion can cloak the gloved hand of thought manipulation. ^[1] The skillful and widespread use of mind altering techniques results in such a plethora of false confessions, that they are closer to being the norm, than the exception.

Americans are good at feeling smug and superior about living in the 'freest country in the world.' However, it is a hollow cliché that will have no meaning to you if you are ever in the situation of being seriously questioned by the police. Why? Because law enforcement personnel in this country use techniques of psychological torture on suspects that are more sophisticated than those used on prisoners of war by the Germans during W.W.II or the Communist Chinese during the Korean War.

Leave it to Yankee ingenuity to improve on the psychological techniques used by foreign powers during a time of war to extract answers from a "suspect." The most intense and effective psychological manipulation techniques known to mankind are used on the men, women, and children unfortunate enough to be subjected to questioning by members of the law enforcement community in this country. They are used with devastating effectiveness to elicit enormous numbers of false confessions from innocent men and women.

In *The Psychology of Police Confessions*, Stanford Psychology Professor Philip Zimbardo wrote that understanding the underlying factors influencing confessions is:

“... particularly important because, according to police statistics, more than 80 percent of all criminal cases are solved by confession. A defendant seldom is acquitted once his confession is admitted as evidence during his trial. Thus, for a majority of defendants, trial is but a mere formality. By what methods do police obtain such an *unbelievable* percentage of confessions? Perhaps a goodly number of these confessions are false, elicited only by unfair, illegal, or reprehensible methods of interrogation. ... We know from psychological studies of American prisoners of war in Communist interrogation camps in Korea that many good soldiers gave false confessions, incriminated themselves, and betrayed their fellow soldiers. In their study of Communist interrogation procedures, L. E. Hinkle and H. C. Wolfe reported that not only were men forced to confess to crimes they had not committed, but apparently they came “to believe in the truth of their confessions and to express sympathy and gratitude toward those who had imprisoned them.” I am now convinced that the secret inquisitorial techniques of our police force are sometimes more highly developed, more psychologically sophisticated, and more effective than were those of the Chinese Communists. ... We know, for example, that innocent men have confessed to crimes they did not commit. What conditions could exercise so much control over a man that he would confess falsely to murder and sign a confession? If a prisoner later denies his confession, there are only two real sources of information - the accused, and the accuser. And guess who usually wins.” [2]

Given the power of psychological suggestion, it isn't surprisingly that false confessions are one of the primary ways that innocent men and women are convicted and imprisoned for crimes they didn't commit. This is more true today than it was before the U. S. Supreme Court's *Miranda v. Arizona* decision in 1966. The *Miranda* decision was ostensibly intended to help stop the extraction of *coerced* confessions from criminal suspects. It hasn't worked. Third degree methods of physical beatings aren't required to extract *coerced* confessions from individuals suspected of committing a crime. As Professor Zimbardo noted, “Modern psychological methods have supplanted the old “third degree,” because they are more effective.” [3]

Merely being confronted with an authority figure persistently asking questions and making suggestions in an intimidating setting, is often all that is necessary to get someone to admit to something they haven't done. An article dealing with this phenomena noted, “It was the opinion of the physicians that any confession made by the accused was totally without value. ... in due course he would be reduced to such a mental state that he would admit practically anything that his interrogators desired. They further stated that this was a common phenomenon with certain types of people, and that where such people are subjected to interrogatories, accusations or suggestions from persons of stronger will, the lesser mind will ultimately

succumb and accept the conclusions of the more powerful intellect.”^[4] Professor Zimbardo doesn’t mince words in describing his opinion on the use of psychological tactics to extract what are all too often, false confessions: “I am convinced that these methods are psychologically coercive; that they deprive the individual of his human dignity and fundamental rights; and that they debase the police who use them.”^[5]

Perhaps the most disturbing aspect of the universal use of these psychologically coercive methods by law enforcement officers throughout the United States, is that they *know what they are doing*. A textbook on police interrogations goes so far as to state that, “We do approve of such psychological tactics and techniques as trickery and deceit that are not only helpful but frequently necessary in order to secure incriminating information ...”^[6]

The truly insidious nature of these techniques of psychological coercion is that they are not limited to the commonplace extraction of false confessions from innocent men and women. They are also used to cajole people into initially waiving their right to remain silent and to have an attorney present at any questioning. Many innocent men and women have waived these rights without full knowledge or understanding of what it meant to do so. They have done so by falling for such proven lines as - “If you’re innocent and you have nothing to hide, then you have nothing to fear from answering a few questions, and you don’t need to have a lawyer present if you’re going to tell us the truth.” Agreeing with this seemingly reasonable assertion can begin a process that can lead to an innocent man or woman spending many years in prison.

Innocent people are particularly vulnerable to being sucked into participating in a carefully orchestrated procedure that is designed to strip them of their rights. *Miranda’s Revenge* quotes David Simon, as writing “... convince the suspect that he and the interrogator share a common interest, that their relationship is a symbiotic rather than an adversarial one. “That is the lie, and when the roles are perfectly performed, deceit surpasses itself, becoming manipulation on a grand scale and ultimately an act of betrayal.””^[7] Tricking a suspect into thinking a police investigator is their friend plays an important part in extracting a false, but incriminating statement from an innocent man or woman.

It has been recognized that the pursuit of solving “crimes” by obtaining a confession is an unprofessional method of lazy policemen who like water, want to take the path of least resistance to solving a crime and closing a case file. It enables them to slide by with as little effort as possible, which all too often results in the truth being buried by a false confession obtained from

a confused and badgered innocent man or woman. Richard Harris observed in *The Fear of Crime*:

“Confessions are a favorite resort of law-enforcement officers, sometimes because they can’t find the hard facts that would make a tight case, and other times because they are too lazy to go out and get them [assuming the facts they’re seeking exist at all]. Sir James Fitzjames Stephen, a prominent Victorian jurist, once remarked, “It is far pleasanter to sit comfortably in the shade rubbing red pepper into a poor devil’s eyes than to go about in the sun hunting up evidence.” That, of course, was the reason for the Fifth Amendment’s protection against involuntary Self-incrimination.”^[8]

Not only was the Fifth Amendment intended as a protection against involuntary and false confessions, it is the only “legal” protection that Americans have against the extraction of false confessions by governmental authorities. So an alarming aspect of psychological techniques used to illicitly procure confessions from people subject to questioning or interrogation, is they constitute a de facto nullification of Constitution’s protection against self-incrimination. The systematic and well-orchestrated psychological obliteration of any real protection afforded by written “guarantees” against self-incrimination, also known as the Right of Silence, make them hollow legal barriers against governmental abuses and renders them devoid of any real meaning or protection for Americans.^[9] This state of affairs is of vital concern to all Americans. Subtle techniques of psychological coercion pervade all of American society, not just police interrogations, and their devastating threat to the psychological health and physical safety of all Americans is the inverse of their present level of being understood.

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Understanding the widespread use of coercive techniques - whether psychological, physical or a combination of the two - to obtain confessions, is important because of the self-evident observation that “the quality of a nation’s civilization can be largely measured by the methods it uses in the enforcement of its criminal law.”^[10] There is a grave threat to the safety of every single American from the widespread and careless use of confessions - false as well as true - to obtain criminal convictions. “Any system of administration which permits the prosecution to trust habitually to compulsory self-disclosure as a source of proof must itself suffer morally thereby. The inclination develops to rely mainly upon such evidence, and to be satisfied with an incomplete investigation of the other sources. The exercise of the power to extract answers

begets a forgetfulness of the just limitations of that power. ... If there is a right to an answer, there soon seems to be a right to the expected answer - that is, to a confession of guilt. ... The innocent are jeopardized by the encroachments of a bad system.”^[11] Moreover, the rampant extraction of false confessions from Americans is incontrovertible proof of it.

The extensive use of sophisticated techniques of psychological torture to obtain a desired confession from a targeted suspect, was already common in the 1960's, and they were described by U. S. Supreme Court Chief Justice Earl Warren in the *Miranda v. Arizona* decision in 1966:

“The modern practice of in-custody interrogation is psychologically rather than physically oriented. ... coercion can be mental as well as physical, and that the blood of the accused is not the only hallmark of an unconstitutional inquisition. ... A valuable source of information about present police practices, however, may be found in various police manuals and texts which document procedures ... and ... effective tactics. ...

The officers are told by the manuals that the “principal psychological factor contributing to a successful interrogation is *privacy* - being alone with the person under interrogation. ... The subject should be deprived of every psychological advantage. In his own home he may be confident, indignant, or recalcitrant. ... In his own office, the investigator possesses all the advantages. The atmosphere suggests the invincibility of the forces of the law. ... Where emotional appeals and tricks are employed to no avail, he must rely on an oppressive atmosphere of dogged persistence. He must interrogate steadily and without relent, leaving the subject no prospect of surcease. ... He should interrogate for a spell of several hours pausing only for the subject's necessities in acknowledgment of the need to avoid a charge of duress that can be technically substantiated. In a serious case, the interrogation may continue for days ... It is possible in this way to induce the subject to talk without resorting to duress or coercion.”

The manuals also contain instructions for police on how to handle the individual who refuses to discuss the matter entirely, or who asks for an attorney or relatives. ... From these representative samples of interrogation techniques, the setting prescribed by the manuals and observed in practice becomes clear. In essence, it is this: To be alone with the subject is essential to prevent distraction and to deprive him of any outside support. The aura of confidence in his guilt undermines his will to resist. He merely confirms the preconceived story the police seek to have him describe. ... When normal procedures fail to produce the needed result, the police may resort to deceptive stratagems such as giving false legal advice. ... The police then persuade, trick, or cajole him out of exercising his constitutional rights. Even without employing brutality, the “third degree” or the specific stratagems described above, the very fact of custodial interrogation

exacts a heavy toll on individual liberty and trades on the weakness of individuals. ...

It is obvious that such an interrogation environment is created for no purpose other than to subjugate the individual to the will of his examiner. The atmosphere carries its own badge of intimidation. To be sure, this is not physical intimidation, but it is equally destructive of human dignity. The current practice of incommunicado interrogation is at odds with one of our Nation's most cherished principles - that the individual may not be compelled to incriminate himself.”^[12]

The *Miranda* decision was written in 1966, and in the intervening thirty-odd years, the psychological techniques of extracting confessions have been honed to a fine edge. Within surroundings that interrogators find as reassuring as suspects find frightening, interrogators are trained to use various mind manipulation methods in the process of interrogating steadily and without relent. “In police questioning, an environment is created which minimizes sensory stimulation, maximally exposes the suspect's vulnerability, and provides for complete control and domination by the interrogator.”^[13] Amazingly, one, of many techniques of last resort recommended in these psychological torture manuals on how to extract the desired confession, is to falsely accuse the suspect of something far worse than what they are questioning him or her about, telling the suspect that they have eyewitnesses and physical evidence that will ensure a conviction - when the entire story is a fabrication. The police then promise that they won't pursue prosecution of the fictitious offense if the suspect will only confess to what he's being questioned about. This technique effectively produces false confessions for unscrupulous law enforcement officers from terrified and exhausted individuals who probably think they've died and gone to hell in the time since they fell into the clutches of their police interrogators. Men and women are induced into such a disoriented state of mind that they routinely “admit taking part [in a crime] even if they didn't because they think they'll be shown leniency or escape a serious punishment, perhaps the death penalty.”^[14]

One of the stranger examples of someone falsely confessing to a murder they didn't commit, and which shows how easily it happens in the real world when someone is subjected to threats of their impending doom, occurred in 1934 to Mr. Louis DeMore. One the very first night after moving to St. Louis, Missouri, Mr. DeMore was standing on a street corner when he jokingly commented to three policemen that he fit the description of a wanted murderer. They

agreed, and to his horror they arrested him. During police interrogations he was threatened with the death sentence if he lost the trial that he demanded because he kept claiming that he was innocent of murder, and the only thing he was guilty of was making a joke. His protestations of innocence fell on deaf ears, and scared out of his wits with the spectre of being strapped into the electric chair filling his imagination, he agreed to plead guilty to a murder he didn't commit, in exchange for life imprisonment. Miraculously for him, the real killer was arrested later and he was pardoned and released after "only" five months in prison. Otherwise, he might well have spent the rest of his days caged in prison for making a joke to the wrong people at the wrong time. ^[15]

The modern American interrogation is modeled along the lines of a Franz Kafka story describing the waking nightmare of an innocent man held captive by a bureaucratic web beyond comprehension and understanding, that is designed to drain the suspect's powers of resistance, reduce his self-control and seriously impair his capacity for self-determination. It is also a variation of the *Iron Law of Power*. ^[16] This law states that "The greater the discrepancy in clout between the influencer and the target, the greater the likelihood that hard tactics will be used." ^[17] While at first, police and prosecutors might "make nice" with a suspect in an effort to secure information or a confession, if someone continues to maintain their innocence, the facade of politeness will be stripped off and requests "turn into demands and threats (the iron fist lurking under the velvet glove of reason)" ^[18] This often produces the desired confession, which all too often is false, because a corollary of the *Iron Law of Power* is that the less powerful someone is in relationship to an adversary, the more likely they will be to try and appease them. When someone is being menaced by the might and power of the State with prison, or even execution if they don't "cooperate," and they become convinced that the only way to minimize the destruction to their life is give the police or prosecutors what they want - even if it is a false confession - then there is an extremely strong psychological incentive for them to do so. In a very real sense, criminal justice interrogation techniques induce suspects to make a cost-benefit analysis under the pressure of being physically drug off to prison or perhaps the gas chamber. Under such conditions, making a false confession can easily be made to appear as the least costly option available the person being victimized by the interrogation or negotiations.

While there was hope at the time it was announced, that the *Miranda* decision would stop the near universal abuse by police agencies in the United States of the right of men, women, and

children to remain silent. It hasn't worked. The reason the *Miranda* decision failed to stop the routine abuse of each and every individual's right to remain silent, by agents of government in the United States, is due to at least two reasons. One, it didn't require that an attorney or other representative be present at *all* questionings or interrogations of a suspect, no matter when or where they might be conducted. Two, it didn't totally *ban* the use of psychological torture techniques, that are not only routinely used every day by police agencies in the United States on innocent men, women and children, but are also the norm in Russia, Communist China and other such paragons of human freedom.

Instead of eliminating the abuse of men and women questioned by police, one of the direct consequences of the *Miranda* ruling in 1966, was the criminal justice system's perfection of the age old psychological tactics of con artists, even to the point of using their language, to continue to extract confessions at a dizzying pace from *suspects*. In the only first hand study of police interrogation techniques performed since the *Miranda* decision, Richard A. Leo concluded that "American police have become skilled at the practice of manipulation and deception during interrogation. ... the sequence, structure, and process of contemporary American police interrogation can best be understood as a confidence game based on the manipulation and betrayal of trust."^[19] In other words, while law enforcement officers in the United States may often times comply with the letter of the four requirements set forth in the *Miranda* decision, they totally ignore its spirit.^[20] This lack of respect for the individual people they deal with is evidenced by the fact that the police "are highly experienced and trained human manipulators who resemble confidence men because of the subtle and sophisticated strategies of persuasion they effortlessly employ during interrogation."^[21] "The interrogator exercises power through his ability to frame the suspect's definition of the situation, exploiting the suspect's ignorance to create the illusion of a relationship that is symbiotic rather than adversarial. ... and by exploiting the suspects' ignorance, fear and trust."^[22] These strategies are specifically intended to evade the spirit of the requirements set forth in the *Miranda* decision, because they are designed to psychologically "break" the suspect during interrogation to eventually elicit a confession."^[23] The fear, confusion and mental disorientation of suspects who were physically tortured with the rubber hose and the fist have been replaced by methods of psychological torture that accomplish the same end. However, these techniques of psychological coercion have remained hidden for so long, because "Even among the most professional police departments,

contemporary interrogation practices remain shrouded in secrecy.”^[24] The cruel joke of this evasion of the spirit of the *Miranda* decision by the criminal justice system, is that, “*Miranda* warnings symbolically declare that police take individual rights seriously.”^[25] However, an impartial observer is left to conclude from their actions that the police have no respect whatsoever for them. And that is why giving the *Miranda* warning to suspects “has not appreciably affected the confession rate.”^[26]

False confessions aren’t unique by any stretch of the imagination to the United States. There are many documented cases in England of innocent men and women who’ve been imprisoned, some for decades, at least partially on the basis of false confessions. These false convictions are, just like in the United States, based on a combination of prosecutorial misconduct, police perjury, false physical evidence, false eyewitness testimony, inadequate counsel and often times clinched by a false confession. In one prominent recent case, three men were released in England after spending 18 years in prison on the basis of a false confession, that was actually *forged by the police*. “Defense lawyer Jim Nichol said he partly blamed the police culture, which pressures officers to get results. Then he said, it’s “rotten from bottom to top. When you get such a horrific crime, no one wants to believe that the police could prosecute people who could be remotely innocent.””^[27] As is common in cases of false convictions, the men had maintained their innocence during their entire 18 year ordeal. Such protestations are made to the consternation of criminal justice authorities, but often times it is what attracts the attention necessary for influential people to take the second look that’s necessary to uncover the misconduct engaged in by law enforcement authorities, that enabled them to be falsely convicted in the first place.

When Communist Chinese interrogators used sophisticated techniques of mental manipulation on American POW’s in the Korean War - they were called psychological torture. When a policeman or FBI agent uses such techniques on an American suspected of committing something distasteful to the government - they are called “Behavioral Analysis and/or Neuro-Linguistic Programming.”^[28] It is better to call a spade a spade and stick with psychological torture - it is a more honest and accurate description about what the techniques actually do to the person who they are used against. It is a classic example of how language is being used to obscure the true nature of what a governmental activity is actually all about. Trying to hide an activity by changing its name doesn’t change the activity, it only creates a deceptive smoke

screen. Water is water, whatever its name. The truth is that what is called psychological torture when done by a Communist Chinese, is called effective law enforcement when done by a policeman or FBI agent in the United States.

False confessions are so easily extracted from innocent men and women, for the same reason that crooks prefer to pick on the naive and gullible to swindle. They are the least worldly and hence the easiest to manipulate. Honest people are relatively easy to talk out of money in their pockets, just as innocent people are relatively easy to manipulate into confessing to actions they didn't commit. The intimidating circumstances surrounding a police interrogation upsets the mental equilibrium of an innocent person far more readily than that of someone who is hardened or guilty. The innocent are especially easy prey for highly developed mind manipulation interrogation techniques that are designed to extract - 'the right answer.' Even if it is the wrong answer for the person being questioned. It is not hard to understand how hundreds of times a day, innocent men and women all over the United States confess to actions they didn't do, when you consider that they are confronted with a physically intimidating policeman or FBI agent who tells them for hours on end, such things as, "... don't tell me you didn't do it, because you did it. You know you did it, we know you did it, everybody knows you did it. It ain't a question of who did it, I'm telling you it's not a mystery, you did it." ^[29] Such tactics induce a state of mind in an innocent person that is known as cognitive dissonance, and if someone isn't strong enough to take it, at some point they mentally snap. ^[30] While in such an unbalanced mental condition, an innocent man or woman would sign a confession that he or she was involved in the John F. Kennedy assassination, if asked to do so. The indisputable injustices perpetrated against huge numbers of innocent people by the horror of false confessions, is an ever growing chronicle of man's deliberate inhumanity to man. ^[31]

It isn't surprising that false confessions involve some of the same psychological factors as what is known as false memory syndrome. The most identifying characteristic of false memory syndrome, is false memories are 'injected' by the power of suggestion into someone's brain, and they come to believe that the implanted "memory" is a real memory of an actual event in their life. ^[32] These false events are injected into the brain of the victim (the man or woman under the spell of a psychologist or police interrogators) as skillfully as if a hypodermic full of the falsehoods was slowly administered like a liquid fabrication. This is why many of the victims of law enforcement interrogations actually believe, at least for a while, "... in their own "false

confession.”^[33] When performed on Americans prisoners by Russian and Communist Chinese interrogators, these techniques were known as *brain-washing*.^[34] In regards to both false confessions and accusations based on false memories, “The question is not so much how could a person do that. I think the appropriate question is, what do you have to do to someone to get them to do that?”^[35] As has been explained, the process of getting someone to do that, “when the most subtle forms of coercion are used,” is a predictable byproduct of what modern interrogation techniques are specifically designed to do.^[36] They are unnatural and dangerous psychological tactics that twist the mind of the men and women they are used upon, which is why they are so effective. If they were natural and a part of everyday life, the people subject to them would have a natural immunity against such brutish invasions of their mind and thought processes. This is why “It appears that the less a society uses [physically] coercive tactics in interrogation, the more susceptible the individual being interrogated becomes to thought control ...”^[37] Which means that since the Miranda decision in 1966, Americans have become even less immune to the subtle memory implantation techniques used routinely by police interrogators.

It is a well known phenomena that when surrounded by any environment of authority - *even a make-believe one* - people have a tendency to surrender their individual autonomy and suffer psychological trauma. This state of submissiveness can begin to take effect immediately upon entrance into a controlled environment. This phenomena of human psychology was confirmed in such a terrifying fashion by a 1971 experiment conducted by Stanford social psychologist Philip Zimbardo, that the study was abandoned after only six days, and it has never been repeated.^[38] The study simulated a jail environment, and involved volunteer jailers and inmates specially selected for their emotional stability. Nevertheless, “Within six days the experiment was abruptly terminated - because it had already created an extreme social pathology. ... [Among other things, some of the] “prisoners” had suffered psychological breakdowns.”^[39] These real life psychological breakdowns were induced in *make-believe* inmates who could leave at any time from the *make-believe* jail they were held in by *make-believe* guards. The free expression of these volunteer inmates will was so severely impaired by them being in a *make-believe* authoritarian environment, that instead of simply saying - ‘I want to go home’ - some of them were induced to suffer a mental collapse. The same type of authoritarian *atmosphere* that was simulated in this experiment, is *recommended* by police manuals as the *ideal atmosphere* in which to mentally immerse suspects and conduct

interrogations. These interrogation conditions are ideal for generating false confessions from psychologically traumatized suspects. So it is no great surprise, that instead of saying, 'I want a lawyer' or 'I want to go home,' the mental imbalance induced in these innocent men and women results in them repeating the words that their interrogators want them to repeat, which amounts to admitting to something that they didn't do. Such false confessions also typically have the consequence of an innocent man or women spending years caged like an animal in a prison, and in the most extreme cases, of being executed for a murder they didn't commit.

All of the psychological techniques used today are the modern day version of the physical techniques used in the past to try and extract the desired answers from a suspect. The refusal of a seventeenth-century clergyman to provide the proper answers to his interrogators, after considerable effort on their part, was described in this way: "Peacham was examined before torture, in torture, between torture, and after torture; nothing could be drawn from him, he [is] still persisting in his obstinate and inexcusable denials and former answers."^[40] Police interrogators today don't have to splatter blood and break bones to extract the answers they desire, they just have to twist and break a suspects mind, and then fill it with what they want to hear repeated back to them. The spirit of the Spanish Inquisition is alive and well in every police station in the United States.

Whether one calls what law enforcement officers routinely engage in as psychological torture, false memory implantation, or a sophisticated con game - the end result remains the same - an individuals free will is interfered with in an effort to induce that person to confess to what the police want him or her to confess to. Historically, the right to remain silent, as much as anything else, is intended as a protection against someone being compelled to make a false confession. It is a sad commentary on the judiciary in the United States that it allows law enforcement officers to freely and literally without restraint, engage in psychological terror tactics that are in their implementation, beyond sadistic. The behavior of law enforcement officers in the United States has become worse than all but the most depraved people in American society, whose actions they mimic, or exceed. *Every contact* between a member of the criminal justice system and an individual envelopes that person in the cloud of coercion and intimidation that surrounds every single policeman, prosecutor, and judge in the United States like the cloud of dust created by Piggins blanket. Therefore *any* questioning of anyone by any member of the criminal justice system under *any* circumstances, without a trusted and

knowledgeable counsel of that person being present, and a video camera recording the entire event for future reference - must automatically be suspected of conforming with the conventions of psychological torture that the police are known to routinely engage in. The many well-honed techniques of psychological coercion and torture that are used to extract an overwhelming number of false confessions, is as great a menace to Americans, and for the same reasons, as the physically coercive techniques that were banned under the *Miranda* decision. They are inhuman, and all too often, they are used for the purpose of obtaining a false confession from an innocent man or woman.

THE END

[1][1] See e.g., "... When Saying Is Believing," Daryl J. Bem, *Psychology Today*, June, 1967, pp. 22-23

[2][2] "The Psychology of Police Confessions," Phillip G. Zimbardo, *Psychology Today*, June, 1967, p. 17-18.

[3][3] "The Psychology of Police Confessions," p. 19

[4][4] 15 *Journal of Criminal Law and Criminology* 406, at 416 (November, 1924)

[5][5] "The Psychology of Police Confessions," p. 19

[6][6] Fred E. Inbau and John E. Reid from their textbook, "Criminal Investigations and Confessions"

[7][7] "*Miranda's Revenge*," p. 266, quote by David Simon, "Homicide: A Year on the Killing Streets," Houghton Mifflin Co., Boston, 1991

[8][8] "The Fear of Crime," Richard Harris, Frederick A. Praeger, Publishers, N. Y., 1969 ed., pp. 23-24

[9][9] An excellent historical view of why the right against self incrimination is an important protection of both individual men and women, and the society they are a part of, see: "The Privilege against Self-Incrimination: Its Origins and Development," R. H. Helmholz, Charles M. Gray, John H. Langbein, Eben Moglen, Henry E. Smith, and Albert W. Alschuler, University of Chicago Press, Chicago, 1997. See also, "Silence: The Ultimate Protector of Individual Rights," Carl Watner, unpublished essay, November, 1983, available at: <http://www.neo-tech.com/silence/>

[10][10] "The Fear of Crime," p. 24

[11][11] "The Fear of Crime," p. 24

[12][12] *Miranda v. Arizona*, 384 US 436, 448-457 (1966)

[13][13] "The Psychology of Police Confessions," p. 19

[14][14] "Suspects' confession may hide the truth," Bryan Smith (Oregonian), *The Oregonian*, February 23, 1997, p. D6

[15][15] "Miscarriages of Justice in Potentially Capital Cases," p. 110

[16][16] "The Language of Persuasion," David Kipnis and Stuart Schmidt, *Psychology Today*, April, 1985, p. 40, 45

[17][17] "The Language of Persuasion," pp. 45-46

[18][18] "The Language of Persuasion," pp. 45-46

[19][19] "*Miranda's Revenge*," p. 259

[20][20] "You have a right to remain silent. If you talk, anything you say can and will be used against you in court. You have the right to consult with a lawyer before you are questioned, and may have him with you during questioning. If you cannot afford a lawyer, one will be appointed for you, if you wish, before any questioning. If you wish to answer questions, you have the right to stop answering at any time. You may stop answering questions at any time if you wish to talk to a lawyer, and may have him with you during any further questioning.", "Presumed Guilty," p. 75

[21][21] "*Miranda's Revenge*," p. 262

[22][22] "*Miranda's Revenge*," pp. 284-285

[23][23] "*Miranda's Revenge*," pp. 268

[24][24] "*Miranda's Revenge*," p. 262

[25][25] "*Miranda's Revenge*," p. 285

[26][26] "You have the Right to Remain Silent," Patrick A. Malone, *American Scholar*, Summer, 1986, pp. 367-380

[27][27] "Fraudulent confession set 3 free in England," Maureen Johnson (AP), *The Oregonian*, February 22, 1997, p. A9

[28][28] "*Miranda's Revenge*," p. 269

[29][29] "*Miranda's Revenge*," p. 274, note: This is dialogue from an actual interrogation.

[30][30] Cognitive dissonance is an "anxiety that results from simultaneously holding contradictory or otherwise incompatible attitudes, beliefs, or the like, as when one likes a person but disapproves strongly of one of his or her habits." Random House Webster's Unabridged Dictionary, 1996 edition. What this means is when an innocent individual is interrogated over a period of hours, during which time they are repeatedly told by authority figures that they are there are eye witnesses, physical evidence, etc., that they committed a crime, a mental state of conflict, or dissonance is induced. Leon Festinger, who first proposed the theory of cognitive dissonance in 1957, "maintained that this state of inconsistency is so uncomfortable that people strive to reduce the conflict in the easiest way possible. They will change one or both cognitions so that they will "fit together" better." ("Age of Propaganda," p. 34) The innocent individual is told repeatedly that he or she is guilty - under the mentally stressful grilling of interrogation, the dissonance has to be resolved in some fashion, and the easiest way is to say yes, I did it. This is

particularly true because suspects are often told that as soon as they tell the interrogators what they want to hear, they can leave and go home. The dissonance created by the interrogators is resolved by making a false confession. But once outside the clutches of the interrogator, the innocent individual immediately enters another state of cognitive dissonance, because they admitted doing something that they hadn't done. This can only be resolved by telling the truth. This is why it is so common to hear someone say anywhere from one day to several weeks after confessing - sometimes in open court - to a crime, "I am innocent and I only made a false confession because that is what my interrogators wanted me to do." The most well known example of this phenomena, was James Earl Ray's unrelenting contention from the day after he confessed to Dr. Martin Luther King Jr.'s murder, to his death bed, that he was innocent.

[31][31] Some of these injustices are chronicled in: "The Psychology of Interrogations, Confessions and Testimony," Gisli H. Gudjonsson, John Wiley & Sons, N. Y., 1992; "False Memory, False Confession: When Police Interrogations Go Wrong," Richard A. Leo, Presented at Law & Society Association Annual Meeting, Toronto, June, 1995; "Coerced Confessions: The Logic of Seemingly Irrational Action," Richard Ofshe, 6 *Cultic Studies Journal* 6, 1989; "False Confessions: Standard Interrogations by Arizona Law Enforcement Officials Led to Four Matching Confessions to the Murders of Nine People at a Buddhist Temple. But All Four Suspects Were Innocent," Roger Parloff, *American Lawyer*, May, 1993, p. 58; "Fraudulent confession set 3 free in England," Maureen Johnson (AP), *The Oregonian*, February 22, 1997, p. A9; "Suspects' confession may hide the truth," Bryan Smith (*Oregonian*), *The Oregonian*, February 23, 1997, p. D1,6

[32][32] For explanations of this phenomena see: "The Myth of Repressed Memory: False Memories and Allegations of Sexual Abuse", Dr. Elizabeth Loftus and Katherine Ketchum, St. Martin's Press, N. Y., 1996; "Making Monsters: False Memories, Psychotherapy and Sexual Hysteria", Richard Ofshe and Ethan Watters, University of California Press, Berkeley, CA, 1996; "Victims of Memory: Incest Accusations and Shattered Lives," Mark Pendergrast, Upper Access Books, Hinesburg, Vermont, 1995

[33][33] "... When Saying Is Believing," p. 23

[34][34] See e.g., "Battle for the Mind: A Physiology of Conversion and Brain-Washing," William Sargant, Penguin Books, Baltimore, 1961, and "Brain-washing in Red China: the calculated destruction of men's minds," Edward Hunter, Vanguard Press, New York, 1951

[35][35] "Suspects' confession may hide the truth," p. D6, quoting Richard Ofshe, a social psychology professor at the University of California, Berkeley, and expert and author of books and articles on both false confessions and false memory syndrome.

[36][36] "... When Saying Is Believing," p. 23

[37][37] "... When Saying Is Believing," p. 25

[38][38] "Interpersonal Dynamics in a Simulated Prison," Craig Haney, Curtis Banks, and Philip Zimbardo, *International Journal of Criminology and Penology* 1, 1983, pp. 69-97; and "Zimbardo: Solving the Maze," Connie Bruck, *Human Behavior*, Vol. 5, No. 4, pp. 25-31

[39][39] "Injustice For All," Anne Strick, Barricade Books, Inc., N. Y., 1996 ed., p. 115

[40][40] "Bleak House," Charles Dickens, Macmillan, N. Y., 1895