Spontaneous Hypnosis in the Forensic Context

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"Hypnosis" denotes either specific phenomena (altered volition, perception, cognition, and recall) or interpersonal transactions that often elicit them. Basic research leads to paradox: hypnosis is validated, and shown to be dissociative in essence, at the same time that neither its phenomena nor transactions can be separated from those of everyday living without logical absurdity. This paradox can be resolved by assuming that consciousness and volition are complex, occurring simultaneously at many levels in the same waking individual. Hypnotic-like phenomena and transactions occur spontaneously, in either covert or overt forms. The former are pervasive, whereas the latter are often associated with psychological trauma. Forensic implications are twofold: for criminal responsibility, and the reliability of eyewitness testimony. Hypnotic-like states and transactions are rarely affirmed as an insanity defense because at some level these subjects are aware of what they are doing and why. Diminished capacity and mitigation of sentence are more appropriate defense strategies. Several conflicted traditions of case law have evolved to protect eyewitness testimony from hypnotic-like distortions in cognition, perception, and memory that can occur either during or outside of formal hypnotic procedures. These include the admissibility of posthypnotic testimony, due process safeguards at eyewitness identification procedures, and the admissibility of expert testimony on the findings of eyewitness research. These areas are inseparable from one another and demand a systematic coordinated approach.

The word "hypnosis" is used to denote either certain unexplained phenomena, interpersonal transactions that often elicit them, or a formal ritualistic procedure. These are its phenomenal, transactional, and formal/procedural definitions, respectively. The defining phenomena include a shift toward subjective nonvolition (a hand "just lifts"), altered perception that can include positive and negative hallucinations in any modality, a partially regressed cognitive style often termed adaptive regression, and memory changes that include amnesia, hypermnesia, and a variety of distortions such as pseudomemories and enhanced confidence.[1-3] Hypnotic transactions involve a relationship between two or more individuals within a meaningful context, such that communications from one are received by the other in a way that leads to one or more of the

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characteristic phenomena that we call hypnotic.[4–6] In its most restricted sense, formal/procedural, "hypnosis" refers to a deliberately structured setting in which a "hypnotist" agrees to hypnotize a willing subject, implements a formal procedure to achieve specific goals, and knowingly labels the process as "hypnosis." Phenomenal, transactional, and formal/procedural elements of hypnosis overlap to varying degrees but are sufficiently distinct in principle that any discussion of hypnosis must keep clear the sense in which the word is used at that particular time.

The Paradox of Hypnosis Research

Pursuing definitions of hypnosis to their logical conclusion, coupled with basic research findings, leads to a fundamental paradox elsewhere termed an "A/Not-A Absurdity,"[3, 7, 8] whose resolution is essential to understanding the implications of hypnosis research. First, hypnosis is defined in terms of clear operational variables like subjective nonvolition. Second, basic research attempts to find what distinguishes hypnosis from what it is not. Data converge toward either of two dominating conclusions: either all waking consciousness can be viewed as "hypnotic," or what we had already called "hypnosis" is inseparable from the waking continuum; hence, the word appears to lose meaning as denoting anything special. Yet, if we attempt to discard the term as "unparsimonious,"[9] we are left with those profound subjective distinctions that led to its use in the first place—involuntary versus voluntary action, and the gamut of altered states of awareness.

This paradox arises from two parallel traditions of hypnosis research whose findings appear to contradict one another.[3, 7, 8] The first, loosely termed "state theory," has shown that hypnosis involves parallel processing of simultaneously conscious elements. Using a real versus simulator design, Orne[10] found hypnosis to involve a type of "trance logic" in which a subject tolerates contradictory perceptions. Extending earlier work of Janet,[11] Hilgard's[12] discovery of a "hidden observer," with more accurate perception of the hypnotic context, led to formulating a "neodissociation" theory. Watkins and Watkins[13] elicited multiple hidden observers in single subjects.

An important branch of "state" research focuses on the effects of hypnosis on perception and recall that can so directly impact eyewitness testimony (reviewed by Diamond, Orne, and others[14–16]). In laboratory analogue studies of hypnotically "refreshed" recall, new information is minimal, and memory gaps are filled in by confabulated "pseudomemories." The process can alter the content of prehypnotic memory, consolidate thought patterns, and impart false subjective certitude; and the new "perception" is generally consistent with the known facts of a case, all of which make cross-examination difficult and can compromise justice.

The second research tradition, "nonstate" (skeptical, social-psychological), shows that it is impossible to separate hypnosis from the continuum of waking

experience as a reliably separate "state."[9, 17] Barber[9] showed that maximally nonhypnotic control variables like voluntary task motivation and hyperalertness could yield hypnotic phenomena as reliably as a formal induction. Other nonhypnotic control variables that yield hypnotic effects are imagination, relaxation, and role behavior—so pervasive that if they are called "hypnosis" then all waking experience is hypnotic. Extending this tradition, Spanos[17] reports that the form of hypnotic structures like hidden observers is inextricably dependent on the psychosocial context in which the phenomena are elicited; contextual effects dominate over any that can be linked to "hypnosis" *per se.*

The paradox can be resolved by a new and initially uncomfortable type of causal reasoning.[8] This assumes that consciousness and volition are highly complex. The hypnosis-nonhypnosis distinction is most meaningful, but never complete. Some levels of consciousness will meet criteria for hypnosis, others will not. One or the other may predominate in a given individual at different times. If there is sufficient discontinuity between the two, true for some but not all individuals, we can talk of hypnosis as a "state." State theory is validated as a *useful approximation.* There must always at all times, however, remain significant elements of mentation that meet criteria for "hypnotic" and, conversely, support the nonstate findings that hypnosis is not truly separable from the waking continuum in any special sense. These elements are of critical importance to the law. The ever-present *non*hypnotic component establishes criminal responsibility, and the ever-present covert hypnotic elements are of grave concern for the reliability of eyewitness testimony.

Types of Spontaneous Hypnosis

Both hypnotic phenomena and hypnotic transactions occur widely outside a professional setting, or in structured settings whose overt purpose is not to achieve or utilize hypnosis *per se.* Such "spontaneous hypnosis" can be conveniently categorized along two overlapping dimensions: first, whether or not it is *overt,* readily distinguished from the overall waking continuum; and, second, whether phenomenal or transactional elements predominate. This leads to four overlapping types of spontaneous hypnosis: (1) *overt phenomena* or "*states*" of relative nonvolition and/or altered perception, cognition, and recall; (2) *overt transactions* or "*influence communication*;" (3) *covert phenomena,* usually termed "unconscious;" and (4) *covert transactions.*

The "states" range from transient phenomena like depersonalization, time distortion, parapraxes, amnesia, and automaticity, to severe or recurrent states like the conversion and dissociative disorders,[3, 18–20] with multiple personality a prototype.[3, 18]

Influence communications with a clear hypnotic character are manifold. Most truly spontaneous are the reciprocal influence of people in love, whose hypnotic character was explicitly recognized by Freud.[21] Psychotherapeutic

transference can be formulated similarly,[4] and suggestive persuasion dominates the advertising industry. More ominous transactions that may elicit dissociative phenomena and profoundly alter how one experiences himself and his world include cultism[22] and coercive persuasion such as "brainwashing."[23]

Covert phenomena can be considered "hypnotic" when they encompass complex motor activity that seems to "just happen," or complex mentation occurring outside of conscious awareness. By definition, these are partial—"hypnotic" only at one level, but not another. When a person discusses his life plans while automatically driving a busy freeway, he is "hypnotized" at the level of the driver, but not the life planner. At this level, spontaneous hypnosis pervades all waking consciousness. Of academic interest is that communications received at the "hypnotic" level, such as the car radio by the driver, may profoundly alter subsequent cognition and memory in exactly the manner of formal hypnosis.

Covert hypnotic transactions, equally pervasive, have received much appropriate attention by the courts under the labels of "procedural suggestion" and "suggestive identification."[24–27] Most common in criminal law are the introduction of new percepts, cognitions, and other sources of bias to eyewitnesses during their identification of suspects in photographs and lineups. A cardinal principle is that "for change to occur, the subject *must not notice* discrepancies between original event and the misinformation that follows."[25] [emphasis added] That is, the suggested content must be received at levels of awareness usually termed "unconscious," a cardinal principle also deliberately used by experienced hypnotherapists.[6,28] A memory must also have been called forth to active awareness, the process of decision-making helping to cement whatever distortions might have occurred.[25]

In the 1967 landmark case of *U. S. v. Wade,*[29] the U. S. Supreme Court stated that "*the influence of improper suggestion upon identifying witnesses probably accounts for more miscarriages of justice than any other single factor—perhaps it is responsible for more such errors than all other factors combined.*" [emphasis added]

Trauma and Spontaneous Hypnosis

The experience of a catastrophic stressor is nearly always accompanied by profound alterations in subjective volition, sense of time, and other cognitive/perceptual alterations that meet criteria for overt hypnotic states. These are especially important in criminal law because of the frequency with which assault victims and witnesses will have been traumatized. Because of obvious ethical constraints against abusing experimental subjects, controlled research is not possible, permitting the AMA Council on Scientific Affairs to write off the data as merely "anecdotal."[30] Despite this limitation, two lines of inquiry strongly support the relationship between trauma and hypnosis: first, high hypnotizability of patients with disorders believed to follow catastrophic trauma, along with frequent spontaneous trances in these

patients; and, second, short term *ex post facto* surveys of the psychological concomitants of large scale traumatic events.

Multiple personalities are most highly hypnotizable, and the disorder is often conceptualized as one of hypnosis.[3, 18–20] A strong consensus also supports a traumatic etiology,[19, 20] and Kluft,[31] reports spontaneous hypnosis to be one of the defenses most commonly encountered in its treatment. Similar findings have been reported for phobic disorders[32] and atypical psychoses;[33] also, long term sequelae of trauma and increased hypnotizability scores have been found in patients with posttraumatic stress disorder *per se*.[34]

Symonds[35] surveyed a sample of a hundred healthy individuals; all had experienced at least one episode of "terror," and virtually 100 percent had associated changes in the quality of consciousness. A large VA study[36] found that 41.2 percent of Vietnam combat veterans had "no feelings" during combat; persistence of stress symptoms long afterward indicates dissociation of those feelings at the time. In Terr's[37] follow-up studies of traumatized children, over half experienced a "time skew" in which subsequent events were falsely "remembered" as if before the event, leading to beliefs like having been "given an omen," accompanied by obstinate subjective certitude. Strentz[38] reported the "Stockholm syndrome" in adult terrorist' hostage victims, with pathological bonding to their captors and aversion to helping authorities; in two small groups the frequency was 100 percent. This met transactional as well as phenomenal criteria for hypnosis and lends substance to fears that such victims can truly be "brainwashed."

Case Law: 1. Criminal Responsibility

Since hypnotic phenomena include decreased subjective volition and markedly altered perception/cognition/recall, this calls to mind both the volitional and cognitive arms of the insanity defense. When crimes are committed in such an altered state, it is not surprising that pleas of "not guilty by reason of insanity" (NGRI) will often be heard by the courts. These can be credible only for overt states and transactions, not the covert processes of equal relevance to eyewitness testimony. Because NGRI requires the presence of a mental disorder, spontaneous hypnosis will be most relevant in the severe dissociative disorders: psychogenic fugue and multiple personality (MPD). The same issues are raised in both, illustrated by the widely publicized *Bianchi* (Hillside Strangler) case.[39] Some experts argued that the accused suffered from MPD and committed homicide in a dissociated state beyond awareness or control,[40] whereas others maintained that this was willful fabrication by an incorrigible psychopath.[41] Beahrs[3] argued that adequate understanding may require that we simultaneously take both complementary perspectives, even though contradictory. The fury with which dichotomous positions are held may reflect the tacit assumption that real dissociative disorder

implies "not guilty" and the reverse. This assumption does not hold.

An insanity defense rarely succeeds for MPD. Most commonly, the diagnosis is successfully impeached by the prosecution, a state's witness may testify that antisocial personality is more appropriate, or material evidence may establish the *mens rea* component of guilt by showing the voluntary nature of the crime itself. Few such cases are appealed; when they are, the conviction is generally affirmed.[42-44]

More decisive is a second route to conviction, when dissociative disorder is affirmed. In *State v. Grimsley,*[45] a 1982 Ohio appellate court found that "there was only one person driving the car and only one person accused of drunk driving. It is immaterial whether she was in one state of consciousness or another, *so long as in the personality then controlling her behavior, she was conscious and her actions were a product of her own volition."* [emphasis added] In *Kirkland v. State,*[46] a 1983 Georgia appellate court affirmed a conviction for a bank robbery committed in a fugue state: "the personality, whoever she was, who robbed the bank did so with rational, purposeful criminal intent and with knowledge that it was wrong."

These rulings show a keen intuitive appreciation of hypnotic dissociation beyond what is common knowledge. Just as some significant "hypnotic" component pervades all consciousness, in the deepest hypnotic states that "part" that carries out the requisite thoughts and actions does so with full knowledge and volition and is *not* hypnotized at that level. In the "usual self" state one may be fully amnesic, but at the level of the offense fails to meet either the volitional or cognitive tests for insanity and must be judged guilty. Incidentally, the *Kirkland* court *did* find the accused "guilty but mentally ill," permitting consideration for a compassionate disposition. Findings of "diminished capacity" are accepted almost as often as "not guilty" is denied.

Judgements like *Grimsley* and *Kirkland* are appropriate at several levels: they respect scientific knowledge about complex consciousness and hypnosis, avoiding debates like *Bianchi* that cannot be answered even in principle; they adhere to the literal intent of the insanity defense; they adequately protect society by holding offenders accountable; and they preserve the discretion for compassionate sentencing. In addition, accountability has been found therapeutic for many patients.[47, 48]

Crimes can also be committed under the influence of coercive persuasion with hypnotic elements, such as cult indoctrination, brainwashing and terrorism. *U. S. v. Hearst*[49] is the prototypical case. Expert psychiatric testimony on diminished capacity was introduced into evidence but not followed up; Patty Hearst was convicted of bank robbery, despite prior brainwashing by terrorist captors. Lunde and Wilson[23] explore the legal implications, citing not only *Hearst* but the relatively few Korean War ex-POWs brought to courtmartial for anti-American actions committed under duress. For reasons similar to *Grimsley/Kirkland,*[45, 46] an insanity defense is rarely

defensible; the relevant offenses in *Hearst* remained voluntary and done with conscious awareness, supporting conviction. Even diminished capacity may be difficult to argue. The authors proposed "mitigation of sentence" as an alternative defense, based on the threefold criteria of a defendant's susceptibility, amount of coercion relative to severity of crime, and lack of opportunity to avoid reprisals. They claim that the sentences actually imposed by military courts reflected this reasoning.

Case Law: 2. Reliability of Eyewitness Testimony

Three legal issues have developed, each with its own tradition of conflicting case law, in the attempt to protect eyewitness testimony from contamination by deliberate and spontaneous hypnotic transactions. These are the admissibility of posthypnotic testimony, due process safeguards for eyewitness identification procedures, and the admissibility of expert testimony about the findings of eyewitness research. Their common goal is to protect the reliability of testimony from inappropriate suggestion.

The dominating scientific consensus[30] is that the forensic hazards of memory "refreshment" far outweigh its limited value, and the legal trend of the early 1980s has been toward *per se* exclusion of posthypnotic testimony, as in *People v. Shirley,*[50] on the assumption that such testimony has been irrevocably contaminated. Spiegel[51] argued against this trend, claiming that much accurate testimony is also excluded, and that avoiding hypnosis puts an unfair damper on treatment of crime victims who might need to testify against their assailants. Beahrs[52, 53] further argued that comprehensive exclusion was impossible due to the pervasive extent of spontaneous hypnosis and its elicitation by major trauma.

The U. S. Supreme Court first ruled on the admissibility issue in 1987 in *Rock v. Arkansas,*[54] permitting testimony by a formerly hypnotized defendant, respecting the right to testify for one's own defense, and when other evidence supports its reliability. It deferred on the more urgent question of hypnosis with victims and other witnesses. Subsequently, in *People v. Romero,*[55] the Colorado Supreme Court refused either a *per se* exclusion or *per se* admissibility, instead permitting posthypnotic testimony when reliability was supported by a preponderance of the evidence. These recent reversals of trend should stimulate a vigorous renewal of the ongoing debate.

The courts are just as aware of the risks of covert suggestion at eyewitness identification, whose effects are similar to the risks of formal hypnosis. The U. S. Supreme Court mandated guidelines to protect eyewitness identification from this influence. The cornerstone was *U. S. v. Wade,*[29] mandating right to counsel at lineup identifications. Presence of defense counsel discourages suggestive communication, and knowing it to have occurred may allow it to be successfully impeached. When *Wade* guidelines are violated, *Gilbert v. California*[56] specifies that the testimony be excluded *per se.* As noted by Sobel,[27]

subsequent Supreme Court decisions have progressively emasculated the *Wade/Gilbert* protections. *Kirby v. Illinois*[57] limited their scope to identifications made after indictment, not to the greater number that precede it with equal risk. *Wade* protectors also do not apply to photo identifications, despite their equal or greater potential for suggestive error.[26]

Another attempt to protect reliability is the admission to court of expert testimony on the findings of eyewitness research, specifically on the hazards of suggestive identification in general and with photos, and to correct the mistaken intuitive assumption that witness certitude parallels witness accuracy. Recent federal decisions exclude such testimony on grounds that the hazards of testimony are common knowledge, and that such evidence usurps the proper domain of the jury. *U. S. v. Cristophe*[58] affirms the 1973 landmark *U. S. v. Amaral,*[59] noting that expert testimony "does not conform to a generally accepted explanatory theory" and that there is "no empirical evidence" that jurors are unaware of problems with eyewitness testimony.

A 1987 Washington appellate court limits admissibility to where there are "serious contradictions in the eyewitness testimony, as well as a proper 'fit' between these contradictions and the proposed expert testimony."[60] A slight trend toward admissibility of eyewitness research data is reflected in state supreme court decisions. Utah, in *State v. Long,*[61] requires that instructions be given to jurors regarding eyewitness issues, whenever relevant, citing guidelines earlier specified in the 1961 landmark, *U. S. v. Telfaire.*[62] In *State v. Buell,* 1986,[63] Ohio permitted expert testimony on the general findings of eyewitness research but barred its being applied to reliability of *particular* testimony. Sanders[64] has proposed additional safeguards to instruct jurors, and opposing points of view are well represented in Wells and Loftus.[24]

Summary and Recommendations

The phenomena and transactions that constitute "hypnosis" are of profound interest and importance both to psychological theory and the law. The foremost research finding is that complex consciousness is the rule, not the exception. What is true at one level is false at another, rendering linear causal reasoning (either-or) untenable except when we are able to differentiate the particular levels that are relevant. This is equally true for the types of spontaneous hypnosis that pervade our waking experience—subtle, as well as overt. Divided consciousness is not necessarily a problem for criminal law, as long as the concepts of criminal guilt and diminished capacity are differentiated, as in the *Grimsley*[45] and *Kirkland*[46] decisions.

Admissibility of posthypnotic testimony is more problematic, due to the hypnotic influences always acting on our cognition and perception, and the likelihood that experiencing a violent crime and its aftermath strongly worsens these influences without our being able to know their direction. I strongly oppose *per se* exclusion of formal hypnosis, not for any disagreement with its rationale, but because of three additional factors.

First, it is only a pseudosolution; by excluding only a tiny facet of a far greater problem, it begs the issue of what needs to be done. Second, when overt hypnotic states or transactions are likely to have accompanied a crime or its aftermath, then subsequent hypnosis, by virtue of state-dependent learning, may be *more* reparative of accurate memory; and even when not, the formal procedure is no longer a dominant factor in nonreliability. Finally, our system of jurisprudence depends on maximum information being available to judge and jury, and additional safeguards like jury instruction on eyewitness research can provide at least partial protection from the hazards of hypnosis.

Four specific criteria have been proposed to clarify when posthypnotic testimony can and should be excluded.[53] First, for the particular witness, hypnosis and nonhypnosis must be reliably separable states. Second, the particular hypnotic procedure is likely to have been a dominating source of nonreliability. Third, spontaneous hypnosis of significant proportions is *not* likely to have accompanied the crime or its sequelae. Finally, the effects of exclusion must support justice, not running afoul of other legal principles in the particular case.

These criteria will be met in many cases, but not all. In modified form they are equally relevant to distorting influences outside of formal hypnotic procedures that share the same phenomena and transactional features. The general eyewitness safeguards of *U. S. v. Telfaire,*[62] with their proposed update by Sanders,[64] address the same issues at these other levels. Justice is best served if these inextricably interrelated issues are addressed in a consistent, coordinated manner.

References

1. Hilgard ER: Hypnotic Susceptibility. New York, Harcourt, Brace and World, 1965
2. Orne MT: The construct of hypnosis: implications of the definition for research and practice. Ann NY Acad Sci 296: 14–33, 1977
3. Beahrs JO: Unity and Multiplicity: Multilevel Consciousness of Self in Hypnosis, Psychiatric Disorder and Mental Health. New York, Brunner/Mazel, 1982
4. Gill MM, Brenman M: Hypnosis and Related States: A Psychoanalytic Study in Regression. New York, International Universities Press, 1959
5. Haley J: Strategies of Psychotherapy. New York, Grune and Stratton, 1963
6. Erickson MH, Rossi EL, Rossi SI: Hypnotic Realities: The Induction of Hypnosis and Forms of Indirect Suggestion. New York, Irvington, 1976
7. Beahrs JO: Co-consciousness: a common denominator in hypnosis, multiple personality and normalcy. Am J Clin Hypn 26: 100–13, 1983
8. Beahrs JO: Limits of Scientific Psychiatry: The Role of Uncertainty in Mental Health. New York, Brunner/Mazel, 1986
9. Barber TX: Suggested ("hypnotic") behavior: the trance paradigm versus an alternative paradigm, in Hypnosis: Research Developments and Perspectives. Edited by Fromm E, Shor RE. Chicago, Aldine-Atherton, 1972, pp 115–82
10. Orne MT: The nature of hypnosis: artifact and essence. J Abnormal Soc Psychol 58: 277–99, 1959
11. Janet P: Psychological Healing: A Historical and Clinical Study. New York, Macmillan, 1925 (1919)
12. Hilgard ER: Divided Consciousness: Multiple Controls in Human Thought and Action. New York, Wiley, 1977
13. Watkins JG, Watkins HH: Ego states and hidden observers. J Alt States Consciousness 5: 3–18, 1979-1980
14. Diamond BL: Inherent problems in the use of pretrial hypnosis on a prospective witness. Calif Law Rev 68: 313–49, 1980

15. Orne MT: the use and misuse of hypnosis in court. Int J Clin Exp Hyp 27: 311–41, 1979
16. Orne MT, Soskis DA, Dinges DF, Orne EC: Hypnotically induced testimony, in Eyewitness Testimony: Psychological Perspectives. Edited by Wells GL, Loftus EF. Cambridge, Cambridge University Press, 1984
17. Spanos NP: Hypnotic behavior: a social-psychological interpretation of amnesia, analgesia, and "trance logic." Behav Brain Sci 9: 449–502, 1986
18. Bliss EL: Multiple personalities: a report of 14 cases with implications for schizophrenia and hysteria. Arch Gen Psychiatry 37: 1388–97, 1980
19. Kluft RP (Ed): Childhood Antecedents of Multiple Personality. Washington, DC, American Psychiatric Press, 1985
20. Barun BG (Ed): Treatment of Multiple Personality Disorder. Washington DC, American Psychiatric Press, 1986
21. Freud S: Group Psychology and the Analysis of the Ego. Edited and Translated by Strachey J. New York, Norton, 1979 (1921)
22. Galanter M: Charismatic religious sects and psychiatry: an overview. Am J Psychiatry 139: 1539–48, 1982
23. Lunde DT, Wilson TE: Brainwashing as a defense to criminal liability: Patty Hearst revisited. Crim Law Bull 13: 337–82, 1977
24. Wells GL, Loftus EF (Eds): Eyewitness Testimony: Psychological Perspectives. Cambridge, Cambridge University Press, 1984
25. Hall DF, Loftus EF, Tousignant JP: Postevent information and changes in recollection for a natural event, in Eyewitness Testimony: Psychological Perspectives. Edited by Wells GL, Loftus EF. Cambridge, Cambridge University Press, 1984
26. Malpass RS, Devine PG: Suggestion in lineups and photospreads, in Eyewitness Testimony: Psychological Perspectives. Edited by Wells GL, Loftus EF. Cambridge, Cambridge University Press, 1984
27. Sobel NR: Eyewitness Identification: Legal and Practical Problems (2nd edition). Edited by D Pridgen. New York, Clark Boardman Co, 1987
28. Erickson MH, Rossi EL: Hypnotherapy: An Exploratory Casebook. New York, Irvington, 1979
29. U. S. v. Wade, 388 U. S. 218 (1967)
30. American Medical Association, Council on Scientific Affairs: Council Report: scientific status of refreshing recollection by the use of hypnosis. JAMA 253: 1918–23, 1985
31. Kluft RP: Varieties of hypnotic interventions in the treatment of multiple personality. Am J Clin Hyp 24: 230–40, 1982
32. Frankel FH: Hypnosis: trance as a coping mechanism. New York, Plenum, 1976
33. Spiegel H, Fink R: Hysterical psychosis and hypnotizability. Am J Psychiatry 136: 777–81, 1979
34. Stutman RK, Bliss EL: Posttraumatic stress disorder, hypnotizability, and imagery. Am J Psychiatry 142: 741–3, 1985
35. Symonds M: Victim responses to terror. Ann NY Acad Sci 347: 129–36
36. Egendorf AM, Kadushin C, Laufer RS, *et al:* Legacies of Vietnam: Comparative Adjustments of Veterans and their Peers. New York, The Center For Policy Research, 1981
37. Terr L: Chowchilla revisited: the effects of psychic trauma four years after a schoolbus kidnapping. Am J Psychiatry 140: 1543–50, 1983
38. Strentz T: The Stockholm syndrome: law enforcement policy and ego defenses of the hostage. Ann NY Acad Sci 347: 137–50, 1980
39. State v. Bianchi, No. 79-10116, Wash, Super. Ct. (1979)
40. Watkins JG: The Bianchi (L. A. Hillside Strangler) case: sociopath of multiple personality? Int J Clin Exper Hyp 32: 67–101, 1984
41. Orne MT, Dinges DR, Orne EC: On the differential diagnosis of multiple personality in the forensic context. Int J Clin Exper Hyp 32: 118–69, 1984
42. Gallion v. U. S., 386 F. 2d 255 (1967)
43. Ramer v. U. S., 390 F. 2d 564 (1968)
44. Commonwealth v. Marshall, 364 N. E. 2d 1237, Mass. Sup. Ct. (1977)
45. State v. Grimsley, 3 Ohio App. 3d 265, 444 N. E. 2d 1071 (1982)
46. Kirkland v. State, 166 Ga. Ct. App. 478, 304 S. E. 2d 561, (1983)
47. Miller RD, Maier GJ: FActors affecting the decision to prosecute mental patients for criminal behavior. Hosp Community Psychiatry 38: 50–4, 1987
48. Hoge SK, Gutheil TG: The prosecution of psychiatric patients for assaults on staff: a preliminary empirical study. Hosp Community Psychiatry 38: 44–9, 1987
49. U. S. v. Hearst, Cr. 74-364-OJC, 412 F. Supp. 889, N. D. Cal. (1976)
50. People v. Shirley, 31 Cal. 3d 18, Cal. Sup. Ct. (1982) 181 Cal. Rptr. 243, 644 P. 2d 775
51. Spiegel D: The Shirley decision: the cure is worse than the disease. in Advances in Forensic Psychology and Psychiatry (vol 2). Edited by RW Rieber. Norwood NJ, Ablex Publishing Co, 1987
52. Beahrs JO: Boundary dilemmas in forensic

hypnosis. Presented at the 16th Annual Meeting Albuqurque, NM, presented on October 10, 1985 Annual Meeting, American Academy of Psychiatry and the Law, p 26, 1985
53. Beahrs JO: Hypnosis can not be fully nor reliably excluded from the courtroom. Am J Clin Hypn, 31:18–27, 1988
54. Rock v. Arkansas, 107 S. Ct. 2704 (1987)
55. People v. Romero, 746 P. 2d 534, Colo. Sup. Ct. (1987)
56. Gilbert v. California, 388 U. S. 263 (1967)
57. Kirby v. Illinois, 406 U. S. 682 (1972)
58. U. S. v. Christophe, 833 F. 2d 1296 (1987)
59. U. S. v. Amaral, 488 F. 2d 1148 (1973)
60. State v. Johnson, 743 P. 2d 290, 49 Wash. App. 432 (1987)
61. State v. Long, 721 P. 2d 483, Utah Sup Ct (1986)
62. U. S. v. Telfaire, 469 F. 2d 552, CADC (1972)
63. State v. Buell, 22 Ohio St. 3d 124, 489 N. E. 2d 795, Ohio Sup. Ct. (1986)
64. Sanders R: Helping the jury evaluate eyewitness testimony: the need for additional safeguards. Am J Crim Law 12: 189–224, 1984