

**Lee Werdell was my attorney when I filed for Libel
in the State of Oregon, for the County of Jackson.**

Judgment No. 85-3781-J-2

The Psychic and the Skeptic

By

Lee Werdell

The FBI operates a famous training academy at Quantico, Virginia. Police departments from across the country send their best young officers there. Graduation from Quantico is a signal that a young officer is very likely to have an outstanding career. The Academy is forward thinking and does not mind trying experimental and unusual techniques in the investigation of crime. It may be surprising to most people that the Academy invites Psychics to appear and deliver lectures to the class members in attendance on the subject of how to best use a Psychic in criminal case investigations.

Noreen Renier was such a psychic. She had worked with several police agencies in the Southeast on various cases and earned a reputation as someone who might be useful

when an investigation had run out of useful leads. This is usually done on the theory that if the investigation of an important case has hit what seems like a hopeless dead end it can't hurt to try a psychic. There's no real downside. The worst that can happen is that the case will remain unsolved. The officers using the psychic might be on the receiving end of some snickers and joshing from their peers but no one can say they didn't do everything possible to solve the case. Sometimes though, it seems to the police that they have received information from the psychics that was useful. Noreen Renier came to the attention of the people running the FBI Academy among other reasons because police agencies she had worked with thought she had been useful.

In January of 1981 in one of her lectures at the academy at the beginning of Ronald Reagan's presidency one of the students in a question and answer period asked her what she foresaw for his presidency. Her answer was somewhat odd. After considering the question she said that he was going to suffer a heart attack, then said "no it's a sharper pain and it is a gun shot". She went on to say it would be in the left chest and indicated the area of his body where the injury would occur. It was exactly where he was later shot by John Hinkley on March 30, 1981. She went on to indicate that he would recover from the injury and would have a very strong presidency thereafter.

At the time of Renier's predictions regarding President Reagan a man

named Robert Ressler was in attendance. Ressler was the individual in the Academy most responsible for hiring Renier to lecture at the Academy. He gave little credence to the prediction and since the prediction didn't specify exactly when or where the injury would occur there was little that could be done in advance to prevent the injury that was foreseen. In 1985, in recalling the events of Renier's predictions at the Academy he would say in testimony under oath that, Reniers predictions were uncanny in their accuracy.

In March of 1981, when Ronald Reagan was shot by John Hinkley, Ressler immediately remembered the prediction. A very thorough and intense interrogation of Renier was conducted immediately after the shooting. It focused on how she had come up with the prediction and in particular with whether or not she had any information, hints or tips of any kind from outside sources. She didn't. Reluctantly the investigators finally concluded that she had done what psychics claim they do. She had made a prediction that turned out to be extremely accurate. At the conclusion of the interview they asked her what she now saw for the president in the future. She then told them that about October or November of that year the President would be shot and killed by soldiers with machine guns while he was on a parade stand reviewing troops wearing foreign uniforms. In fact president Ronald Reagan was not shot

and killed in the fall of 1981 while reviewing a military parade of troops wearing foreign uniforms. It was President Anwar Sadat, of Egypt, who was assassinated in November of 1981, by soldiers with machine guns, while reviewing a uniformed parade of Egyptian soldiers. She had it right except for which president it was.

She was allowed to continue as a lecturer at the Academy. Before long she was referred by Ressler to a family which included an FBI Agent to help in the search for a plane that had disappeared. In the plane was a brother in law of the FBI agent. She did so, describing various features of the area where she thought the plane had crashed. Before long the plane was found, and found in an area that seemed entirely consistent to officials of the FBI, including Ressler and to the family members, with the descriptions of the ground given by Renier.

As a result of her work at the Academy and in particular because of her prediction of the shooting of Ronald Reagan, Renier began to receive national recognition. She became one of the better known psychics in the country. She also became the target of a small group of intensely focused people who see their mission in life to be the debunking of Psychics as the frauds and charlatans this group perceives them to be. A young college graduate named John Merrill was one of these people. He was to become

the most bitter, determined and persistent of Renier's critics.

The confrontation between Merrill and Renier occurred in Southern Oregon. Renier had come from her residence in the Orlando, Florida area to Southern Oregon to visit family members living here and to try her hand at writing a book about how she came to be a person who believed she was psychic and how she had come to use her abilities. Somehow her presence in the area came to the attention of a reporter working for the Ashland Daily Tidings newspaper. The reporter contacted Ms. Renier, interviewed her, and wrote a fairly lengthy feature article about her in the newspaper. The article in turn, came to the attention of John Merrill and his associate, Michael Dennett. The two young men had founded an organization which they named "Northwest Skeptics." Its mission was to debunk psychics. It did so in part by publishing a newsletter. It also utilized the time and energy of its young founders in conferring with other like minded skeptics in other areas of the country. The article in the Daily Tidings motivated Merrill to go into action. Action, consisted of writing a lengthy letter to the Daily Tidings editor excoriating him for having published a favorable article about the psychic, Renier. The letter contained numerous allegations to the effect that psychics like Renier were frauds and charlatans preying on an unsuspecting public. Copies of the letter were sent to the FBI, numerous police agencies and other media

outlets. Among the allegations in Merrill's letter were these:

“She was the subject of current ongoing investigations by representatives of the National Council Against Health Fraud covering concerns of ‘fraudulent medical quackery and fraud’”.

“Further investigations by Northwest Skeptics show that no dazzling connection to the FBI and its training academy exist with Mr. Renier.”

“Ms Renier made several innuendos linking the FBI Bureau with requests for her participation in a case where a lost plane was allegedly found by her ‘psychic ability’. Reports from officials of the Civil Air Patrol have recently questioned however the assistance of Ms. Renier, and one stated that ‘while her intentions may have been honorable bad advice may have caused further delays and lost time’”.

“Numerous other fraudulent claims by Ms. Renier are unfounded, including the alleged report that the ‘national wires carried the story of her prediction made four months before that Reagan would be shot in the upper left chest’”.

“In fact, inquiries concerning Ms. Renier were presented to State Police agencies in California, Washington, Idaho and Virginia. Though Ms. Renier has alleged solutions to crimes ‘solved by psychic investigations’, none of those agencies has ever had a successful

experience with any ‘psychic investigator’.”

“Rather in fact several police agencies contacted in Virginia cited the fact that Ms. Renier ‘appeared to be using her own unsolicited assistance to build a false connection with police agencies’”.

“Though the October 10th article in the Ashland Daily Tidings states that ‘using her psychic gifts, Renier was instrumental in identifying a man who was later convicted of multiple rapes in Staunton, Virginia’. Lt. Bingman of the Staunton Police Bureau indicates otherwise. She gave unsolicited aid and certainly didn’t solve it. There were several officers who spent long hours and perseverance actually solving the investigation.”

“Like herding sheep for the slaughter, a good charlatan prefers to keep the public ignorant of the facts”.

I had met Noreen Renier through a mutual friend. I knew that she lectured at the FBI Academy and that she worked as a psychic. I didn’t have any strong opinions about “psychics” or “psychic phenomena.” After John Merrill wrote his letter to the Ashland Daily Tidings newspaper she was given a copy of it by the newspaper. She was upset in the extreme and brought it with her when she came to see me.

The text of Merrill’s letter was pretty brutal. If it was untrue it was defamation. Since it was printed, rather than spoken, it fell into the

category of “libel” as opposed to “slander” which is spoken defamation. That, from a lawyers point of view, is a positive thing because libel cases allow the jury to award damages to the plaintiff even if the plaintiff can’t show proof of any specific amount of damages. They are allowed to conclude that printed lies about someone are in fact damaging and to award damages in whatever amount they think is fair. The rule is entirely different in slander cases. Spoken lies can’t result in damages unless the Plaintiff can show actual damages. A good example would be a person who loses a job because someone has lied about him to his boss. That plaintiff can show real damages. The hourly wage rate times the amount of time off work until he finds another job is an easy computation of actual damages.

While it was a positive that Merrill’s defamation of Renier were written and eliminated any problem with proving damages the case was a long way from being easy. To win their had to be strong evidence that his letter in fact contained significant; the law would call them material, lies.

Initially, I had Noreen Renier’s statement that Merrill was lying. She was in a position to know first hand if he was lying or not. Her testimony was evidence. It couldn’t be said that she didn’t have a case. But having a case doesn’t mean the same thing as having a case that you can win.

All lawyers who bring lawsuits on behalf of clients who claim to have been wronged by the person sued have the same initial problem. How to assemble enough information to make an intelligent decision about whether the case is going to be strong enough to provide a good chance to win and is the award of damages likely to be big enough to make the effort worthwhile. Put another way, there are two parts to every plaintiff's case. The first part is liability. Do you have enough evidence to win. The second part is damages. Are they significant enough to make the case worthwhile. In plaintiff's cases the lawyer is usually working on a contingent fee basis. If he loses he is paid nothing. To make matters worse he often has to provide at least some of the money for the costs of the case which can be several thousand dollars if he does extensive depositions of witnesses necessitating the hiring of court reporters and, if he has a need in the particular case for any expert witnesses, who, likewise cost money. If the case is lost the lawyer is out not only his time but his money as well since most plaintiff's can't really afford the costs of the case. Most plaintiff's lawyers, when they lose a contingent fee case simply swallow the loss of the money they have spent on it.

The fact that a case may be winnable, even overpoweringly so, does not make a good case. If the damages don't amount to over a few hundred or a few thousand dollars the case doesn't make economic sense since it is

likely that the case will cost almost as much or possibly even more than the damages you reasonably can expect to win.

In light of the usual analysis based on the two issues of “liability” and “damages” Noreen Renier’s case presented some real problems. The testimony members of the various law enforcement officers she had worked for would be essential. It wouldn’t do to have her testify that she had worked for such and such an agency and then have an officer from that department come to court and say either “No she didn’t” or “she did and she was terrible.” At least some interviews of some of the available officers had to be accomplished before any assessment of the liability part of the case could be made.

Damages presented another issue. True, the jury could award damages in any amount they wanted, but normally jurors don’t like to hand out large sums of money simply because someone has come to court with enormously hurt feeling. Either the conduct of the defendant has to be sufficiently evil to make the jury want to inflict some punishment or the anguish and pain, caused by the defendant have to be extremely great and obviously the defendant’s fault. It was impossible in Noreen Renier’s case to make any very rational assessment of what a jury might do assuming that they believed she had been libeled.

Whether or not she had been libeled had its own set of particular problems. If someone says a psychic is a fraud and a charlatan, at least a significant percentage of the population will initially be inclined to agree. A lot of people simply don't believe in "psychic phenomena." Convincing the nine out of the twelve jurors it takes to win in Oregon, that a self-proclaimed psychic has been libeled when called a fraud or a charlatan is going to be a very chancy business at best. To accomplish that result the evidence has to be extremely strong. The odds were that any jury assembled would start out collectively with a negative impression of the Psychic Plaintiff's case. Criminal defense cases present a similar problem for lawyers defending them. The collective sense of most jurors in a criminal case is that if the defendant has been indicted and is being prosecuted there must be some reason for that, the most likely reason being that the defendant has committed some crime.

Noreen Renier's case had one very unusual feature. It was, based on its facts and the nature of the potential adversaries, a compellingly interesting case. Among other things she had stood before a class of police officers and predicted that Ronald Reagan would be shot in the left chest months before the event happened. Could it be possible to actually prove that a man who called a psychic a fraud or a charlatan was lying. It would be interesting to find out.

Noreen had in her possession one piece of evidence that suggested she might have a case. It was a copy of an AP story that very definitely related her prediction, made in advance in a Canadian newspaper, that Ronald Reagan would be shot in the upper left chest. John Merrill's letter to the Ashland newspaper specifically stated that her claim that the story of her earlier prediction of the President Reagan shooting had been carried on national wire services was "fraudulent." His written statement that her claim of the national wire story was a fraud appeared demonstrably untrue. If a person lies about one thing there exists a reasonable possibility they may lie about others. Could we show that he did?

The only way to find out was to start calling some of the law enforcement people who knew about Renier's work. She was able to provide me with the identities and phone numbers of many of them. I began making phone calls.

Immediately I hit pay dirt. Robert Ressler, FBI agent in charge of training at the FBI's academy immediately confirmed the fact that Renier was well thought of by law enforcement agencies she had worked for and that was the reason he had selected her to lecture to the academy classes. Better yet he confirmed in precise detail Renier's prediction of the shooting of Ronald Reagan before a class at the Academy months before it happened.

Confirmed that she was interrogated rigorously by FBI agents after the shooting because of the possibility she might have been a conspirator in the shooting. Indeed, they wondered, how else could she know. Unless that is, she either made an extraordinarily improbable lucky guess, or more likely because she was in fact psychic. He was willing to testify on her behalf. He pointed out only one difficulty. In her advertising material Reneir had said she worked for the FBI on cases. In fact she had worked with the FBI on a case where a family member of an FBI agent was lost in a plane wreck but the fee paid for the work had actually been paid for by the family, not the FBI. While Renier probably felt she was working for the FBI on that case, technically she was not. He had admonished her not to claim she worked for the FBI on cases. She could truthfully say she was hired by the FBI to lecture to training classes at Quantico; the subject of her lectures being, how best for police officers to work with psychics.

Ressler's interview provided evidence of another false statement by Merrell. Merrell had written that his organization's investigation of Renier "showed no dazzling connection existed between the FBI and Renier." He tossed in the word "dazzling" on his own but the clear meaning of his sentence was that Renier was lying about her connection to the FBI.

Clearly she was telling the truth. She did lecture at the FBI academy and she had worked on two cases unofficially, in conjunction with FBI agents.

In one of the cases he confirmed that she had worked on a case involving some murders in Atlanta. An FBI agent had gone to her with material from the case and asked her to analyze it. A tape was made of the analysis and sent to the investigators in Atlanta. The second of the two cases Ressler identified as having some connection to the FBI also related directly to another of Merrell's claims. Merrell had said that Renier, "made innuendos linking the FBI with requests for her participation in a case where a lost plane was found." Ressler indicated that an FBI agent who was the former brother in law of a man lost in an airplane that had gone down inquired about who they might use as a psychic in an effort to find the airplane. He had provided Renier's name as a psychic the family might contact. It was not an FBI case officially; it was a private case, but it was one FBI agent, himself, recommending Noreen Renier to another FBI agent in a case involving a search for a family member of an FBI agent.

In his letter to the Ashland Tidings and others Merrill quotes the article about Renier written in the Tidings as saying that "-using her psychic gifts, Renier was instrumental in identifying a man who was later convicted of multiple rapes in Staunton, Virginia." Mr. Merrill then went on to say regarding this part of the Tidings article that, "Lt. Bingman of the Staunton, Virginia Police Bureau indicates otherwise. She gave

unsolicited aid and certainly didn't solve it. There were several officers who spent long hours and perseverance actually solving the investigation. This was the only police man that Merrill named in his letter. He had referred to State Police agencies in California, Washington, Idaho and Virginia but only as agencies. He also had referred to "several police agencies contacted in Virginia" but except for the reference to Lt. Bingman of the Staunton, Virginia police department there were no other named sources of the information he was attempting to get published in the Ashland Tidings newspaper.

Lt. Bingman was most cooperative and informative when he was contacted. His response to the paragraph quoting him was direct and specific. He recalled no such statement to John Merrill. He indicated that he did not recall Merrill's name or whether he had talked to him but thought it was possible he might have. When asked if he thought he might have made the statement that she gave unsolicited aid and that several officers had worked long hours to solve the homicide in question attributed to him he said ,as he would later testify under oath, "No, because one thing, the Dorothy White homicide has never been solved and I was not in any way involved with that investigation."

There was obviously enough evidence in the available testimony of Bob

Ressler and Lt. Bingman of the Staunton Police Department to justify filing a lawsuit. Their testimony demonstrated that at least some of the statements in Merrill's letter to the newspaper were libelous. The lawsuit was prepared and filed. The existence of a lawsuit provides a method of learning facts that aren't known at the beginning of the case. The method is the subpoena power. Without a lawsuit I could call John Merrill and ask him to answer questions but I couldn't compel him to answer and certainly couldn't compel his answers under oath. Nor could I require that he produce whatever documentation he possessed that related to the case. Notes, for example, of his conversations with people he had contacted and talked to about Noreen Renier before he wrote his defamatory letter. Now the subpoena power made all that possible.

Shortly after filing and serving the lawsuit on Merrill I received notice from his sister, Rosie Cuellar, that she was an attorney and that she would be defending the case. Roxie turned out to be completely professional. There was never any problem in working with her to accomplish all of the work involving discovery of evidence and the taking of depositions that take place in almost all civil lawsuits prior to the case going to trial. Her brother produced his notes and any other documents we requested. He appeared and gave his deposition regarding who he talked to, what he recalled of his conversations and what information he had to support his

numerous allegations in the letter he had written that was the subject of the lawsuit.

The results of his deposition were enlightening. With his notes and testimony we learned the names of other police officers in Virginia that he had contacted. Learned that he had no basis to believe that Noreen Renier had ever claimed to have worked with or contacted any State Police agencies in Washington, California or Idaho. He had written, “In fact, inquiries concerning Ms. Renier were presented to State Police agencies in California, Washington, Idaho and Virginia. Though Ms. Renier has alleged solutions to crimes ‘solved by psychic investigations’, none of those agencies has ever had a successful experience with any ‘psychic investigator’.”

If anyone reads that sentence, it appears that Renier has alleged solutions to crimes in all of the named states. Mr. Merrill was just being cute with words. He didn’t specifically say that Renier claimed to have solved crimes in California, Idaho or Washington. He merely said he had inquired about her to the state police departments of those states and that they all said they never had a successful experience with a psychic. In his testimony under oath Merrill would admit that in his letters of inquiry to the state police of the named states he did not identify Noreen Renier. He

had only inquired of the state police agencies in those three states if they had ever had successful solutions to crimes as a result of any psychics assistance. But in his letter he said falsely that he had made “inquiries concerning Ms. Renier” to those three agencies. In his testimony the best he could muster was that, as Renier was a psychic, his inquires about psychics working for the three state agencies must of necessity have included Renier along with all other psychics in the world. That kind of sophistry may work in ordinary conversation or in politics, but when you are under oath as Mr. Merrill was in his deposition, it becomes impossible to hide the facts short of outright lying.

The deposition of John Merrill also produced the names of policemen he had talked to in Virginia. All were contacted. None recalled saying, as Mr. Merrill had written, “Rather in fact several police agencies contacted in Virginia cited the fact that Ms. Renier ‘appeared to be using her own unsolicited assistance to build a false connection with police agencies’”.

This was amazing. The man had put quotation marks around what he wrote. In any readers mind that means that someone has said exactly that which is quoted. In this case he claimed several policemen in Virginia said the same thing. We knew that Lt. Bingman, of the Staunton police didn’t remember saying what was quoted. Now we were to discover that Commander Coleman of the Lynchburg Police as well as others that

Merrill talked to had no recollection of saying what they were quoted with.

Merrill's defense of this quote in his testimony was to be that "I was taking this information down over the telephone and writing as fast as I could quotes and the gist of the quotes people were telling me over the phone, and I don't intend it to be an exact verbatim quote of what someone told me."

Asked who had told him the information quoted he testified "I frankly don't recall. At this point I couldn't, certainly, recall specifics on who gave me that impression."

The deposition of John Merrill provided information about who it was from the Civil Air Patrol that had "recently questioned the assistance of Ms. Renier, and one stated that 'while her intentions may have been honorable bad advice may have caused further delays and lost time.'"

The claim that a civil air patrol official had said that was directly linked to the preceding sentence where Mr. Merrill wrote, "Ms. Merrill made several innuendos linking the FBI Bureau with requests for her participation in a case where a lost plane was allegedly found by her 'psychic ability'". Mr. Merrill agreed that Noreen Renier had told him on one or more occasions that the plane had gone down in Massachusetts. He

also said she had said New York and Virginia in the same conversation. However, when he wrote a letter to the FBI asking for information about her he had identified the plane case as involving a plane that disappeared in Massachusetts. He also was to agree that she had said to him that a news report of the plane going down in Virginia was wrong and that it was in fact Massachusetts.

Given this amount of information about the planes disappearance, the family's inquiry about who to use as a psychic and what Merrill had been told by Renier it would seem that the plane disappearance in question would involve a plane found probably in Massachusetts. If a Civil Air Patrol official could be found to say that Renier's intentions may have been honorable and bad advice by her may have caused further delays and lost time, Mr. Merrills claim of those facts would be verified.

In his deposition Mr. Merrill identified the Civil Air Patrol official making the statement as one Cameron Warner. In addition he knew that Mr. Warner was a Civil Air Patrol official somewhere in Oregon and that the plane crash that Mr. Warner was referring to when he quoted him was an Oregon crash, some three thousand miles away on the countries opposite coast.

When contacted, Mr. Warner had no recollection of making any statement

to Merrill about “good intentions” or “bad advice causing delays” or anything like it. He did recall being contacted by Merrill and being asked if his organization had ever used a psychic. He recalled that Merrill was calling for an organization that did not believe in psychics. He had told Merrill that his organization had never used a psychic to his knowledge. Merrill had not identified any psychic to him by name. That John Merrill thought he could use a conversation with an Oregon Civil Air Patrol employee about an Oregon plane crash to support his written claim that the comment related to a Massachusetts plane crash was nothing short of amazing in its perversity.

The psychic had also been accused by Merrill of being “The subject of ongoing investigations by representatives of the National Council Against Health Fraud covering concerns of ‘fraudulent medical quackery and fraud’”. This one seemed potentially very troubling to me. At the beginning of the case I wondered if the National Council was a government agency and whether they actually had been investigating my client. If a government agency is working to make a case against someone the amount of time and resources that can be brought to bear by such organizations is awesome. Usually there is some basis for the investigation as well. As it turned out I need not have worried.

The National Council Against Health Fraud turned out to be a private non profit organization of individuals who were against health fraud. Mr. Merrill was a dues paying member of that organization. He and two other members of the organization had a conversation in Portland, Oregon one day and discussed whether or not psychic Noreen Renier might be a fraud. Mr. Merrill inquired of the National Council, of which he was a member, if they had any information on psychic Renier. They did not. Never the less, he considered his conversation with his two fellow members and his inquiry of the National Council to constitute grounds upon which he could write of Renier that she was “The subject of ongoing investigations by representatives of the National Council Against Health Fraud covering concerns of ‘fraudulent medical quackery and fraud’”.

The chief difficulty for Mr. Merrill after he was served with a summons and lawsuit alleging his remarks about the National Council to have been one of the defamatory statements made by him was the fact that he couldn't claim that he or his two friends, who had engaged in only a single conversation about Renier, were “representatives” of the National Council. This problem he sought to correct by writing a letter to the president of that organization asking that he be or one of his friends, who happened to be a Doctor, be allowed to represent that they were representatives of the National Council. All he could obtain was a nice

letter from the president which stated that he and his friends were members in good standing but that they were not authorized to represent or speak for the council.

It was apparent at John Merrill's deposition that he was not in the least inclined to apologize for anything he had written nor would he have any interest in settling the case against him based on any kind of economic risk analysis. The case had to go to trial. I had obtained enough evidence to prove without any real question that Merrill's written statements were based on practically no evidence or so little evidence that the statements simply couldn't be supported. His statements in reality weren't any more than his opinions wrapped up to look like facts based on fake quotes and false claims of investigations. The problem might be that four or more jurors would share his opinions and, believing psychics to be phony's and fakes, would have no qualms about voting for the defense. What other kind of defense might be mounted at trial I had no way of knowing in advance.

Before making a final decision regarding whether to go to trial in Noreen Renier's case, one very practical problem had required a solution. The problem was cost. Witnesses would be in most instances from the East Coast. All of the police officers were either from the FBI academy or

from the State of Virginia. Testimony of Jessica Herbert whose brother was lost in a plane crash was needed. She was from the East Coast. The cost of flying all of these people to Medford, Oregon to testify was prohibitive. The solution was to take their testimony over the telephone, transcribe it and present it to the trial court by reading the questions and answers to the jurors. This process is allowed when the cost of bringing a witness to court is excessively prohibitive. The difficulty with testimony that is read into the trial for the jury is that it is colorless and lacks any drama. Jurors may tend to drift in their attention and perhaps miss testimony that is crucial. There was no other solution to the problem though so by pre-arrangement with Roxie Cuellar we took the testimony of all of the witnesses from the East Coast. The procedure turned out to have one unexpected and very beneficial aspect. With the testimony of the witnesses reduced to writing in advance I could use the precise testimony of the witnesses to cross examine John Merrill. All I had to do was read crucial parts of the other witnesses testimony to him and ask him to explain if he could why his testimony was different. The rules of evidence don't allow you to ask one witness if another is lying, but you can ask if they know of any way to reconcile differences.

Jury selection in this case was both fascinating and frustrating. Jurors could be asked if they thought all people who purported to be psychics

were phony's. If they said yes they could be removed from the panel. But if they believed only probably, they would likely say they had an open mind on the subject and appear perfectly qualified to serve. In this circumstance all one can do is ask the questions and play your hunches based on your instincts. On occasion in chamber Judge Sawyer would jokingly ask me why I was bothering with this trial. Couldn't my client just tell us the outcome and we could all come home. His jollity on the subject made me glad that I hadn't agreed to waive a jury. He might have been one of those that I didn't want sitting on the jury.

The case seemed to go well. Noreen looked and sounded sincere. She was from a typical middle class background; had married at an early age and was the mother of two daughters. Following a divorce she became the sole support of her children. This she had accomplished by working for approximately ten years in public relations and advertising. She had no interest in psychics or psychic phenomena believing such things to be nonsense.

Someone came to her and asked her to do some advertising work for a psychic. She didn't want to. "I thought anybody claiming to be psychic or doing psychic phenomena had to be a fraud or charlatan so I refused" she testified. "But they kept after me and finally I agreed to meet her. I'd

never seen a psychic before. I expected that she would be maybe, short and fat with a big nose and a large chin. Maybe have a wart. But she looked rather normal. She did some things on me. I don't think anybody had told her about the scar on my stomach or about several things that were personal. I didn't really believe at that time, but I thought maybe there's something to these people called psychics and I did the job she wanted me to do. I let her rent a room at the hotel I worked in and I think the work we did had to do with her predictions for that year."

"About a year later someone asked me to do some meditation. I thought it was something to do with giving you peace of mind and agreed to try it. On my third try something very unusual happened. It actually made me question my sanity. I decided to try to disprove psychic phenomena. I and a friend read a book about it. We practiced what the author suggested. And it was amazing what happened during that period." Asked what she discovered she testified. "I discovered I could touch a ring or watch and get images in my head that were very accurate." What did you do as a result of that? "I got very excited about that. I needed people to practice on, people that I didn't know anything about; so I'd have the hotel maids and the secretaries come to my office and I'd hold their rings or watches. The book said that if you quiet your mind and close your eyes things would happen. And they did. It was neat."

Noreen's testimony was clear and to the point. She answered questions without equivocating or being evasive. After having her describe how she had finally begun working for a living as a psychic and gradually working for from time to time for police agencies on unsolved homicides, often in Virginia where she lived, I turned her over to the defense for cross examination. She held up well. Answered the questions directly, didn't appear evasive, and generally gave the appearance of a normal person who was sincere and attempting to do her best to be truthful.

The testimony of John Merrill was another matter. He seemed proud of his organization known as Northwest Skeptics. Founded in 1982 by he and a like minded acquaintance named Michael Dennett he described it as "recognized nationally as the affiliate group for a larger organization called CSICOP, which is international in nature. Asked to elaborate he said, "The

CSICOP organization is an acronym. It stands for the Committee for the Scientific Investigation of Claims of the Paranormal. And SCICOP is an international organization, which I also belong to, and it's made up of members such as Isaac Assimov, Carl Sagan and a number of fairly prominent people. Northwest Skeptics is the affiliate organization; a group that has similar interests and follows the interests of SCICOP, and

we're established and recognized in the publication for being the regional center for the Northwest. This was not the same as his prior answer to the same question in his deposition. He was asked if in his deposition he had said. "Northwest Skeptics is an autonomous group and has no affiliation with SCICOP what so ever other than it shares SCICOP's aims for counteracting psuedo-science frauds and claims of the paranormal." In one breath his group is the "affiliate organization" of SCICOP "recognized for being the regional center for the Northwest." And in the next breath his group "has no affiliation with PSICOP what so ever other and it shares SCICOP's aims."

He was then asked, "What is Northwest Skeptics? Is it a corporation? Is it a partnership? Is it public? Is it private? What is it?" His answer; a speech exactly like the politicians response to questions. Long winded and not responsive. He said. "One of the nice things we do--and did--is of course make our organization know even to you long before the lawsuit. We provided you with an extensive background information including a list of consultants. Northwest Skeptics functions for you people and is recognized in the media. We've had articles written about us by the Oregonian and a number of prominent newspapers throughout Oregon and also in Seattle. And the group functions as a clearing house to look into claims involving health fraud, fraudulent scientific claims, medical claims

that might border on the pseudo-science level. And we have a list of consultants, which was given to both Ms. Renier and also yourself sir, and it includes a number of prominent people throughout the Northwest.”

“But my question was; is it a public or private organization? Is it incorporated or not?”

“It’s a private organization, yes.” “Is it a private corporation for profit, a private corporation non-profit or is it a group of persons unincorporated?”

“It’s certainly unincorporated.” “And aren’t the only two members yourself and the other co-founder Michael Dennitt.” “The only two people that can use the Northwest Skeptics name directly, without consulting Mike Dennett or myself, are the two of us, yes.” So, after all that, what it boiled down to was: two busybodies named Michael Dennett and John Merrill who had no organization of any kind but who liked to call themselves Northwest Skeptics.

It was time to move on to Mr. Merrill’s letter to the newspaper. The first of his numerous unfounded claims concerning Noreen Renier read; “She was the subject of current ongoing investigations by representatives of the National Council Against Health Fraud covering concerns of ‘fraudulent medical quackery and fraud’”. This statement was read to Merrill and he was asked, “Who’s the National Council Against Health Fraud?” His

answer; another speech.

“The National Council Against Health Fraud was originally known as the California Council Against Health Fraud. I’m not quite sure when it was established, but my guess is 1976 - - somewhere along that date. It is a well recognized organization. You could probably find a copy of its newsletter in most public libraries of any good size. And the National Council has member, without any question, scattered nationwide. The National Council Against Health Fraud, of which I am a member, helps sponsor a conference held in Portland at the Marriott Hotel in early September, and this would have been September of 1985, of course, and that conference which was held in cooperation with Multnomah County, which is Portland, the Multnomah County Medical Society. And they sponsored a health fraud conference concerned with health fraud in which the members of the National Council Against Health Fraud were there. At that time there were a number of us who are involved in the various organizations I’m involved with and we, by then, had collected some information on Noreen. We were concerned about some statements - -.”

“Excuse me a moment. Could I ask who ‘we’ is?” “We is Bob Steiner, Dr. Robert Mendelssohn, myself and Dr. Ben Wilson. And at that time - - that’s the basis of this particular statement.” “Now which of those individuals you have named were a representative; notice I use the word

representative, of the National Council Against Health Fraud?”

“I believe you could consider us all representatives, representatives or members. I used both in this four page letter and I consider them synonymous with each other.” “Is William Jarvis the head of the National Council Against Health Fraud?” “I believe his title is president, yes.”

“Didn’t you tell me in your deposition in January of this year that there was no investigation by the National Council Against Health Fraud?”

“That would be a correct statement.” Didn’t you also tell me that there was no one who was a representative of the National Council Against Health Fraud who investigated?” “No, I believe that I indicated Dr. Ben Wilson was considered to be a representative of the National Council Against Health Fraud.” “Did you write a letter to William Jarvis, the president of the National Council Against Health Fraud shortly after you were served with this lawsuit?” “Yes.” “Did you say in your letter to Dr. Jarvis, among other things,

‘Based on my statements I would like the National Council Against Health Fraud to provide the following: number three, that Dr. Benjamin Wilson is a NCAHF member of qualified background to properly determine concerns of medical quackery and fraud and that Dr Wilson as a qualified representative of the NCAHF can determine to the satisfaction of the

NCAHF what constitutes medical fraud.’ Did you ask for a statement to that effect from Mr. Jarvis?” “You bet I did.” Did you receive this reply from Dr. Jarvis; ‘I must tell you that merely being a member of NCAHF doesn’t enable a person to be a spokesperson for the Council.’ Did you receive that reply?” “Yeah, I requested that reply.” “Nowhere in there does he acknowledge, as you asked, that either yourself or Dr. Ben Wilson are representatives of the National Council Against Health Fraud?” “He doesn’t acknowledge that we are not,” responded Merrill.

And so it went with John Merrill. Moments later after admitting that he had been told in a second letter from Dr. Jarvis that he was not a representative of the National Council Against Health Fraud he went on to say that “Members of the National Council Against Health Fraud were conducting an investigation.” Asked if his letter to the Ashland Daily Tidings didn’t use the word representatives to describe who in the National Council was conducting an investigation he blithely stated. “I’ll agree also with representatives of the National Council Against Health Frauds.” “Even though the president wouldn’t acknowledge you request that you were a representative?” His response; “He didn’t acknowledge that I wasn’t a representative. I think you’re playing with words.” The irony of who was playing with words was apparently lost on Mr. Merrill.

The claims in Merrill's letter to the Newspaper that several police agencies in Virginia reported that "Ms Renier appeared to be using her own unsolicited assistance to build a false connection with police agencies" and that according to Lt. Bingman of the Staunton, Virginia Police Bureau, "She gave unsolicited aid and certainly didn't solve it. There were several officers who spent long hours and perseverance actually solving the investigation " became a comedy of errors for Merrill. Lt. Bingman, it turned out, was not on the Staunton Police force. He was on the Hampton police department. Like the other two Virginia officers Merrill had identified as subjects of his interviews, Bingman said he did not make the statement attributed to him by Merrill and pointed out that the reason he was sure he had not made the statement Merrill had quoted him as making was because the case he talked to Merrill about was still and unsolved murder; hardly the circumstance that would lead an experienced policeman to say, "several officers spent long hours and perseverance actually solving the investigation."

The testimony of Lt. Bingman didn't phase John Merrill. Having testified that Bingman told him what his letter claimed Bingman had said, the testimony of Bingman was read to Merrill.

Question: "I would ask you whether or not you have any knowledge or

recollection with respect to whether or not you gave Mr. Merrill that quote at some time prior to October 10?"

Answer: "No I do not recall any such statement."

Question: "Is there any reason that would cause you to believe that you made no such statement?"

Answer: "Because, one thing, the Dorothy White homicide has never been solved and I was not in any way involved with that investigation".

Having heard the above questions and answers read to him Mr. Merrill's immediate response was, "Nothing surprising there that I'm not aware of".

When he was asked, "Do you have any explanation for why Lt. Bingman says he didn't give you that quote and you say he did?" Merrill's immediate answer was; "I don't think he just stated that he didn't give me that quote. He said he can't remember giving me that quote".

The testimony of John Merrill showed a man whose demeanor portrayed absolute certainty that he was correct in everything he wrote; if others said otherwise they were wrong or were being misinterpreted. Never did he agree to any mistakes except to acknowledge that Lt. Bingman was indeed a member of the Hampton, not the Staunton police department. Asked to explain how he could use a statement from an Oregon Civil Air Patrol member talking about an Oregon plane crash and attribute the statements

to a crash occurring in Massachusetts he insisted that Noreen had at one time said “New York”, on another occasion had said the reports of the crash were incorrect when the crash was reported in New York rather than Massachusetts, but in any event the Oregon mans comment was about psychics, Noreen Renier was a psychic and so she was, of necessity, included in the statements of the fellow from Oregon.

The attitude displayed by John Merrill in his testimony was most apparent in his insertion of his opinion of Noreen Renier when he was asked regarding his one an only phone conversation with her before he wrote his letter to the Newspaper and others; “whatever did you hear from her that would allow you to think it might be a plane crash in the State of Oregon?” He answered, “Because up to that period of time she had made outlandish claims, and I had no reason to believe anything she said.” “So if she said the plane crashed in Massachusetts, so far as you were concerned, it might be just another outlandish claim; in fact, probably was?” “Probably was,” he responded. “So far as you are concerned anything she says could well be a lie.?” “I think I reached that conclusion literally on our first phone conversation.” “All right, so the first time you ever talked to her, and the only time you ever talked to her, you concluded that basically she was –.” “A liar” he interjected. “a liar, and thereafter you set out to prove it?” “That’s correct.” he snapped.

In his letter to the Tidings, after saying Renier made innuendos linking the FBI with requests for her participation in a case where a plane was lost, Merrill went on to say; “Reports from officials of the Civil Air Patrol have recently question however the assistance of Ms. Renier, and one stated that ‘while her intentions may have been honorable bad advice may have caused further delays and lost time.’” He identified a man named Cameron Warner, of the Oregon Civil Air Patrol as the man who told him that.

Mr. Warner testified. He was asked; “Recently, Mr. Merrill, in a deposition, has advised us that you were the Civil Air Patrol official who told him, ‘while her intentions may have been honorable, bad advice may have caused further delays and lost time’. My question is, do you recall whether or not you ever made such a statement about Noreen Renier to Mr. Merrill?”

Answer: “I have no knowledge of making such a statement. We’re referring to the lost aircraft, right?” “Right”. “There was no such comment made about the Luke aircraft. I was not aware of any psychic or any outside influence.”

Question: “Now do you recall whether or not Mr. Merrill, when he did call you, ever referred to any particular psychic by name:?”

Answer: “No sir, I do not. I don’t believe he did, he just indicated that he

was with an organization and from what I understood it was an organization that did not believe in psychics. And in our conversation he asked me I believe, if we had ever used them, and I told him, not to my knowledge.”

The foregoing testimony of Cameron Warner was read to John Merrill. He was asked:

“Mr. Merrill, do you have any explanation to explain the difference between your testimony and Mr. Warner’s?”

Answer: “I don’t think there’s any conflict in our testimonies, sir.”

Question: “Well he says he didn’t say that to you.”

Answer: “He says he doesn’t recall saying it.”

John Merrill’s refusal to acknowledge that his sources claimed they didn’t tell him what he claimed had become obvious and his effort to suggest that those sources were somehow just not remembering things correctly was the best he could do when he was confronted with witnesses who directly contradicted him. At this point in the trial Noreen Renier’s case was very much on track to succeed. What remained was to see if Merrill’s sister Roxie had any surprises up her sleeve that she would present when it was her turn to present evidence. As it turned out she had one powerful card to play in this game.

He said his name was Dr. Ray Hyman. He was employed as a professor of psychology at the University of Oregon. Asked if he had any particular “knowledge in the area of the paranormal?” his reply was “I probably have written about fifty papers, mainly from the skeptical side. Since 1953 I’ve served on various governmental committees as a referee or investigator of claims of the paranormal. As an example I was asked by the defense department to take a look at a popular psychic named Yuri Geller. Right now I am on a National Research Council committee which is looking into various kinds of exotic techniques that might enhance psychic performance. I’m chairman of the para psychology committee for the National Research Council committee.”

The man was obviously a well qualified expert and would be able to express virtually any opinion he wished. Worse for us he was a home grown expert. Roxie not only had an expert he was one of our own. From the University of Oregon no less. And he was just beginning.

“Did you used to be involved in the commercial side of the psychic world, so to speak” asked Roxie. “Well yes,” answered the Dr. “I was a professional entertainer before I became a psychologist. I began at a very early age working as a magician, and then became what’s called a mentalist. I used to do demonstrations for entertainment purposes. For

about five years I earned my living as a palm reader, reading peoples palms.” “Did you believe in your abilities as a palm reader”, asked Roxie. “Yes,” he responded, “I thought I was very accurate. And I was able to convince people that I was, and I believed in it. I didn’t begin by believing in it. But by doing it, with the reinforcement I got from people - - they would tell me how accurate I was. I was able to tell them very precise things about scars on their bodies, about diseases they had, about whether they had heart attacks and things of this kind - - very specific things. And I was surprised by this, and became a very strong believer in my psychic abilities.”

He continued, “A very wise person, who had been listening to me do some of my card readings, suggested to me very casually that I should see what happened if I read the cards the wrong way. “I tried what had been suggested to me. And I was surprised. When someone’s heart line said that they were someone that didn’t exhibit emotion I would say the opposite. And when the head line said that they were practical, I would say they were very imaginative. And I learned that I was right just as often reading the wrong thing to people as I had been reading the right thing from the cards and that surprise was a big shock to me.

“Do you believe now that you have any special powers in the psychic

arena?” asked Roxie. “No not at all” said the Dr. “In fact that’s why I became a psychologist. And I specialize in studying why I, as well as other people, can get to believe in these things.”

This was really powerful. First the man is a renowned expert in his field and from our own local university. Secondly, he used to be a psychic until he learned it was all hogwash and decided to become a psychologist so he could better understand how psychics could fool people as he had done. The jury was going to believe virtually anything this man said. It would be impossible to take him one for any kind of bias or propensity to want to favor one side or another. He had just proved his bona fides by admitting he had been a psychic in a prior life, fooling people until he learned better.

Getting to the substance of the case the Dr. was asked, “Dr Hyman, have you been present in the courtroom throughout this case?” “Yes” he responded, “I’ve been present throughout the entire proceedings.” “Did you hear Ms. Renier in her testimony describe the type of tests that police officers have applied to psychics to separate the real psychics from the charlatans?” “Yes” he answered. And “Is that type of test that she says the police use an effective measure of whether someone is a psychic?” “No, of course not.” he replies. “Even parapsychologists and psychical

researchers have long ago found that it's useless to do testing of this kind, because there are no scientific controls. No double blind controls, not expert recording of what goes on. That's why they've developed the ESP cards and controlled experiments, so they can better assess the accuracy rates. For example, an accuracy rate of 90 percent, 100 percent means nothing unless you know what a control will do. In many cases when controls are used they do 90 percent accuracy. So these test the police do mean nothing. You have to be able to quantify what the odds are of making the kind of prediction at issue."

"Dr. Hyman," asked Roxie, "did you hear the testimony by Commander Coleman where he spoke of the information that they obtained from Ms. Renier in their investigation of a crime in Lynchburg, Virginia?" "Yes," he said, I think in that testimony he talked about their getting a variety of kinds of materials from her, and they have to sort through them and figure out which matches and which doesn't. I especially paid attention to that, because, ever since I've been a psychologist I've been studying psychics and why they seem to work. I've written a paper entitled 'How to Convince People That You Know All About Them.'" One of the things I explain is that the psychic throws out a lot of things. The important thing in throwing out these ideas is to use what we call invited inferences. You get the person to make inferences. You make clear to them that they have

to make sense out of what you're saying. The psychic is just getting images. They're throwing things out. The listener has to make sense of what the psychic is throwing out. And if the psychic can get people to work for them that way, to look for the matches, to make it fit, they've done 90 per cent of their job as a psychic." "Is that the type of description that you saw consistently in this trial?" asked Roxie. "That's what it seemed to me a lot of people were saying" he responded. "I gather, Ms Renier and other psychics working with these detectives throw out a lot of visions, they say a lot of things. Some are verified; some are not. From a psychological point of view we get into what we call confirmatory bias. Experiments in the laboratory show that if people know what object of person a psychics description is supposed to match, then they find tremendously strong matches and they believe that it was a very unique description. When people don't know in advance what the match is supposed to be then the results don't look so good."

"Did you hear Ms. Renier indicate that she expected herself to be 80 to 90 percent accurate in her reading?" asked Roxie. "I thought she said in homicide cases she expects 70 percent and in private cases she expects 80 to 90 percent" answered the Dr. "Do those percentages mean anything in terms of determining whether someone is psychic or not?" he was asked. "Not by themselves. They're useless. You have to have a baseline or

control”, responded Dr. Hyman.

After discussing with Dr. Hyman various books and research papers relating to parapsychology, Roxie got to the clincher. “Based on the evidence that you’ve heard here in the courtroom for the last three days, was the evidence sufficient for you to determine whether or not Ms. Renier is a psychic?” “No, there’s no way I can tell that from that kind of evidence”, he responded. “I have no further questions of Dr. Hyman your honor.” said Roxie.

Fortunately for me Dr. Hyman’s testimony concluded just in time for the morning recess. There would be time to think about how to cross examine this powerful expert. During the recess I could think of only one approach. The Dr. had said he was a true believer when he was a mentalist doing palm readings. He had not said there was anything he had heard in the testimony that indicated that Noreen Renier was not similarly a true believer in her work. John Merrill had written of Noreen that she had made “fraudulent claims” and “Like herding sheep for the slaughter, a good charlatan prefers to keep the public ignorant of the facts. In short, according to John Merrill, she was a “ fraud and a charlatan”.

“Dr., would you resume the witness stand please.” said the judge. “You may proceed,” the court indicated looking at me. “Dr. I’ll hand you a

Webster's Dictionary. Would you turn to the word 'charlatan' and tell us what the current accepted usage of that word is by reading it." "Let's see, 'a person who pretends to have knowledge or ability that he does not have, an imposter, a mountebank.'" read the Dr. "That would imply a person who knows better, someone who's pretending?" I asked. "That seems to imply, yes." responded the Dr. "When you considered years ago, I take it, that you had abilities and, as you say believed that you had the ability to tell people about physical things by reading palms, were you a charlatan?" "Well, I certainly didn't consider myself one at the time." he answered. "Did you know better?" he was asked. "Know better in what sense?" "Did you know you were a mountebank, a pretender?" "No, because I believed in what I was doing. I certainly didn't know I was a mountebank."

"Would you turn the pages of the dictionary to the word 'fraud', and read us the current , accepted usage of that word?" He did. "There are three currently accepted ones, the way I see it; 'deceit; trickery, and cheating'. Something said or done to deceive; trick; artifice. A person who deceives or is not what he pretends to be; imposter, cheat."

When you were reading palms, and believed you had the ability to do so, were you a fraud?" "Not in one sense," he began, "In another sense, this

is what psychologists call self deception, and that's where they can be self deceived. But I agree with you, it's not a literal, conscious deception." "You weren't literally, consciously deceiving people were you?" I inquired. "Not consciously, no", he responded.

At no time in his testimony had Dr. Hyman declared that psychic phenomena did not exist. He had testified that the study of psychic phenomena had originally gone by the name of Psychical Research but had then become known as parapsychology. In response to questions by Roxie Cuellar he had described parapsychology as "still a very controversial field" and gone on to say; "most scientists in most of the scientific communities do not accept that parapsychological phenomenon have been demonstrated scientifically yet. On the other hand", he had said, "there are very serious people trying to do that, trying to get that kind of evidence." This kind of testimony seemed to allow for the notion that psychic phenomena might actually exist. It was certain that he would be among those in the scientific community who would say the existence of psychic phenomena had not been scientifically proven. But what about those "serious people" he had identified as working toward that goal. I decided to ask about them.

"Now then, you indicated that a certain amount of fairly serious scientific

people are studying parapsychological matters.?” “Yes” “Are there some in the community of people who study parapsychological matter that believe that there exists such a thing as psychic phenomenon?” His answer. “Oh yes, I would say about 80 to 90 percent of them. I believe there was a survey taken by one of the parapsychologist, and he found that about 75 percent believe in the reality of it.” “Are these people the type that often have degrees in some form of scientific knowledge?” “There’s the Parapsychological Association, which is very careful to screen people to make sure they do have credential. They have to have a PhD, or the equivalent, in some field. They have to be active scientists. Many of them have degrees in biology, physics or psychology. And this group has a membership I think now of approximately three hundred people.”

Within that group are there some with degrees who believe in the existence of psychic phenomena?” “I would thin most of them would”, was his reply. “That’s why they’re parapsychologists, yes.” he added. “So, given enough time and money, I presume I could hire some of these people to take the witness stand and testify that psychic phenomena exists, in their opinion.d?” “I think that what they would testify is that, yes, they would say in their opinion, that they believe it exists. Yes, you could get them to say that.”

Dr. Hyman, in his very earnest and honest way, had become the gift that

keeps on giving. Although it was contrary to the usual principle of lawyers that we don't ask questions when we don't know the answer, one more question seemed in order. "Do you admit of even the possibility of some kind of psychic phenomena?" "Oh, sure, there's got to be the possibility of almost anything."

Roxie Cuellar did a very brief re-direct examination of Dr. Hyman. First she asked him, "Have you ever denied that possibility that Ms. Renier is a psychic?" "No, I haven't" was his reply. She then went on to have him restate his earlier testimony that he could not make a determination about whether or not she was a psychic based on the testimony he had heard in court. It was apparent that the defense argument to the jury was going to be that the plaintiff somehow had to prove that she was a psychic if she was to get their verdict. That was not really what the case was about. The case was about whether or not John Merrill had written lies about Noreen Renier. If so, her status as a psychic was not the issue. He had testified that he concluded that Noreen Renier was a liar the first time he had talked to her. His mind was closed to anything except that she was a fraud and a charlatan. The problem was that if she was merely a mistaken but well intentioned person she could not reasonably be branded publicly in writing as a fraud or charlatan. The proof that it might easily be shown that she was sincere and well intentioned had been supplied by Dr. Hyman himself.

He had been convinced of his psychic powers as a young man. He had worked, in his words, as a mentalist reading palms and all the while believed in what he was doing. At least until he learned by an experiment that he had been mistaken in his beliefs. If he wasn't a fraud and a charlatan, then neither was Noreen Renier. This divergent view of what the issues were would play itself out in the closing arguments of the lawyers. The court would generally tell the jury that Noreen Renier had to prove that John Merrill had either intentionally written lies about her or had written false statements recklessly without regard to the likelihood that what he was writing was false. On balance, it seemed that Dr. Hyman had been a terrific witness, for Noreen Renier. He had demonstrated the likelihood of her sincere belief in what she was doing by acknowledging his own sincere belief in his own psychic powers. He had also given credence to the fact that a substantial number of parapsychologists with impressive scientific backgrounds believed in the existence of psychic phenomena. That seemed to run very much counter to the belief of John Merrill that all psychics of necessity are probably frauds and charlatans.

The final arguments went along the lines laid out in the evidence and testimony. For Noreen Renier it was our job to make clear the right of everyone to earn a living in any lawful way without being publicly defamed as a fraud or charlatan. Without having fabricated lies sent in the

form of a letter from a high sounding organization that in fact was no organization at all; claiming public officials and others had made highly critical statements of the Renier, when in fact no such statements had been made or the statements that were made were very positive and supportive of her.

The recipients of the letter were of two kinds. The media, consisting of a local newspaper that had printed a favorable article about Noreen and numerous television stations. The other recipients were police agencies that had used Renier, including the FBI, several police departments in Virginia and also a college located in Florida where Noreen was teaching at the time. The inclusion of a current employer who hired Noreen to lecture was particularly damning because it indicated a clear desire on the part of John Merrill to get her fired. Mr. Merrill had come to court and insisted that he had determined Noreen Renier to be a liar in his first and only phone conversation with her. He felt free to disregard anything she said to him because of his opinion. That did not provide a good reason for him to lie about her. As the case played out the man who accused Noreen Renier of being a liar, fraud and cheat was in turn found to be a liar, fraud and cheat in his defamatory methods designed to harm her. Roxie's efforts to portray her brother as a selfless good samaritan waging war on false psychics who could not prove they were real psychics fell on deaf ears.

After a short deliberation the jury returned its verdict finding that Merrill had defamed Noreen Renier. They awarded her \$25,000. dollars.

John Merrill did not appeal the decision. He set about to overcome the result by other means. Within a short time he had gone to the state of Tennessee. There, he informed all of his creditors that he was going to declare bankruptcy but that he would pay his debt to each as though he were not in bankruptcy. One creditor only was not informed of his plan to pay what was owed. That, of course, was Noreen Renier.

Merrill's plan didn't work. In bankruptcy court there is a rule that a person may not eliminate debts that have been created by intentional misconduct. The bankruptcy court concluded after a lengthy and careful review of the transcript of the defamation trial in Oregon that several of the statements in Merrill's letter were the direct result of intentional misconduct. The debt was not eliminated in bankruptcy. It was subsequently paid in full by Mr. Merrill.

